

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**Latasha Holloway, *et al.*,**

**Plaintiffs,**

**v.**

**City of Virginia Beach, *et al.*,**

**Defendants**

**Civil Action No. 2:18-cv-0069**

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**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

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**PLAINTIFFS' EXHIBIT 18**

Deposition Transcript of Virginia Beach City Council Member Jessica Abbott



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# Transcript of Jessica Abbott

**Date:** October 3, 2019

**Case:** Holloway, et al. -v- City of Virginia Beach, et al.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

-----x  
LATASHA HOLLOWAY and :  
GEORGIA ALLEN, :  
Plaintiffs, : CASE NO.  
v. : 2:18cv00069  
CITY OF VIRGINIA BEACH, et al., :  
Defendants. :  
-----x

Deposition of JESSICA ABBOTT  
Virginia Beach, Virginia  
Thursday, October 3, 2019  
9:05 a.m.

Job No. 265819

Pages 1 - 182

Reported by: Penny C. Wile, RPR, RMR, CRR

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Conducted on October 3, 2019

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1                   Deposition of JESSICA ABBOTT, held at the  
2                   offices of:

3

4

5

VIRGINIA BEACH CITY ATTORNEY

6

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7

Municipal Center, Building One

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Room 260

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Virginia Beach, VA 23456

10

(757) 385-4351

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Pursuant to Notice, before Penny C. Wile,

18

RPR, RMR, CRR, Notary Public of the Commonwealth

19

of Virginia.

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22

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1                   A P P E A R A N C E S  
2       ON BEHALF OF THE PLAINTIFFS, LATASHA HOLLOWAY  
3       AND GEORGIA ALLEN:  
4               DANIELLE LANG, ESQUIRE  
5               CHRISTOPHER LAMAR, ESQUIRE  
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11  
12       ON BEHALF OF THE DEFENDANTS, CITY OF VIRGINIA  
13       BEACH, ET AL.:  
14              CHRISTOPHER S. BOYNTON, ESQUIRE  
15              OFFICE OF THE VIRGINIA BEACH CITY ATTORNEY  
16              2401 Courthouse Drive  
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18              Room 260  
19              Virginia Beach, VA 23456  
20              (757) 385-4351  
21  
22       Also present:   Jeffrey Zalesin

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1 P R O C E E D I N G S

2 Whereupon,

3 JESSICA ABBOTT,

4 after having been first duly sworn, was examined  
5 and did testify under oath as follows:

6 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS:

7 BY MS. LANG:

8 Q. Good morning, Ms. Abbott. My name is  
9 Danielle Lang. I represent the plaintiffs in this  
10 case, and so I'm here to ask you some questions  
11 today.

12 Before we get started, have you ever been  
13 deposed before?

14 A. No.

15 Q. Okay. So I'm going to go over a few  
16 ground rules.

17 A. Okay.

18 Q. Kind of rules of the road. The most  
19 important thing is that the court reporter is here  
20 to transcribe everything we say, so we have to  
21 talk a little more formally than we normally would  
22 so she can have a clean record. So often in

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1 normal discussion I'll kind of finish your  
2 sentence or you'll finish mine. We can't do that  
3 because it makes it quite difficult for the court  
4 reporter to take down. So wait until I fully  
5 finish my question before you start answering, and  
6 I'll try to do the same and make sure I don't  
7 speak over you. Okay?

8 A. Uh-huh.

9 Q. The next is that the court reporter can  
10 really only take down yeses and nos, not shakes of  
11 heads or uh-huhs or uh-uhs, so yes or no if  
12 possible.

13 We can take a break at any time. I expect  
14 that we probably will. The only thing I ask is  
15 that if I've asked you a question, that you answer  
16 that question and then we can take a break.

17 A. Okay.

18 Q. And your counsel will likely interpose  
19 objections to my questions sometimes. There are  
20 two forms of objections. The most common is an  
21 objection to the form of my question, that I, in  
22 his opinion, haven't asked a very good question.



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1 Those are just for the court, to preserve for the  
2 potential use down the road. And you can go ahead  
3 and answer my question. Does that make sense?

4 A. Yes.

5 Q. Okay. It's also possible that your  
6 counsel would object and instruct you not to  
7 answer. And that's a different kind of objection.  
8 The one that has come up -- there are two reasons  
9 why that most often comes up. One is  
10 attorney-client privilege. I never want you to  
11 disclose anything that you've spoken to your  
12 attorneys about about this case or other times  
13 when you've gotten legal advice from your  
14 attorneys. So if a question that I ask could  
15 tread on that, he will likely instruct you not to  
16 answer with respect to any attorney-client  
17 privileged questions.

18 The other area is what we call legislative  
19 privilege. And there is a qualified privilege for  
20 certain discussions that you would have with  
21 various City Council members. We reserve our  
22 right to potentially try to pierce that privilege,

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1 but you can invoke it. It's yours to invoke where  
2 you believe that a conversation is private and  
3 privileged. And it's yours to decide where that  
4 line is. It's also -- any conversation that  
5 you've had with a City Council member but that  
6 you've also discussed with someone else what you  
7 said is no longer privileged. If you've shared it  
8 with anyone else outside of City Council, other  
9 than your attorney, it's no longer privileged and  
10 you should respond.

11 And so I'll ask each time that you think  
12 something might be legislatively privileged, you  
13 need to assert it at that time. And it's your  
14 decision what you think should be kept out of  
15 public view. Does that make sense?

16 A. Yes.

17 MR. BOYNTON: And I'll ask as a general  
18 matter, do you wish to invoke legislative  
19 privilege to the extent it applies to today's  
20 deposition?

21 A. Yes.

22 MR. BOYNTON: So we'll deal with that on a

Transcript of Jessica Abbott  
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1 question-by-question basis as it comes up.

2 Q. Would you state your full name for the  
3 record?

4 A. Jessica Abbott.

5 Q. And you understand you're under oath  
6 today?

7 A. Yes.

8 Q. Is there any reason you wouldn't be able  
9 to give truthful answers to my questions today?

10 A. No.

11 Q. When did you first learn about the lawsuit  
12 that brings us here today?

13 A. There was a newspaper article in the  
14 paper, I think it was in December. I don't recall  
15 the exact date.

16 Q. Okay. So sometime in 2018, last year?

17 A. I think it was 2017. It was a newspaper  
18 article that was written when it was initially  
19 filed. I don't remember the date.

20 Q. Fair enough. Thank you.

21 What did you do to prepare for this  
22 deposition today?

Transcript of Jessica Abbott  
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1 A. I reviewed the documents I submitted to  
2 you.

3 Q. Without telling me the content of the  
4 conversation, did you meet with your attorney?

5 A. Yes.

6 Q. Okay. And when was that?

7 A. Yesterday.

8 Q. Okay. And did you meet with Mr. Boynton?

9 A. Yes.

10 Q. Was anyone else present at the meeting?

11 A. No. Well, there was one other person, but  
12 I don't recall their name.

13 MR. BOYNTON: Mr. Harris walked in toward  
14 the end. He's also an attorney for the  
15 defendants.

16 Q. And about how long did you spend with your  
17 attorneys?

18 A. An hour.

19 Q. Did you review any documents when you were  
20 in that meeting?

21 A. Just the documents I submitted.

22 Q. Have you spoken about this upcoming

Transcript of Jessica Abbott  
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1 deposition with any other City Council members?

2 A. Yes.

3 Q. Okay. Who have you spoken to?

4 A. All of them.

5 Q. Okay. And in what context have you spoken  
6 with the City Council members about this  
7 deposition?

8 MR. BOYNTON: She's asking about the  
9 deposition itself, not the lawsuit more generally.

10 A. Well, then, I've spoken about the lawsuit  
11 generally is probably the more correct question,  
12 not specifically the deposition.

13 Q. Okay. Have you spoken to any of the other  
14 City Council members about their depositions in  
15 this case?

16 A. Only to ask them how it went.

17 Q. Okay. And who did you ask how it went?

18 A. I asked Councilman Moss and Councilman  
19 Rouse.

20 Q. Okay. And what did Mr. Rouse tell you?

21 A. It went well.

22 Q. And Mr. Moss?

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 A. It went well.

2 Q. Okay. Anything further in that  
3 conversation?

4 A. No.

5 Q. Okay. There is not currently a trial date  
6 set for this case, but I imagine it will be set  
7 sometime in 2020. Do you have extended periods of  
8 time in 2020 where you expect to be unavailable at  
9 trial -- for trial testimony?

10 A. Not to my knowledge.

11 Q. Okay. How long have you lived in Virginia  
12 Beach, Ms. Abbott?

13 A. 2001.

14 Q. Okay. And how old were you in 2001 when  
15 you moved here, approximately? Were you still in  
16 school?

17 A. I was 12.

18 Q. Okay. And where did you --

19 A. 12 or 13.

20 Q. Where did you grow up before that?

21 A. A lot of places. Primarily Pennsylvania.

22 Q. Okay. I'm from Philadelphia.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1           And have you lived here ever since you  
2 moved here in 2001?

3           A. Yes.

4           Q. Okay. What's your educational background?

5           A. It's mostly, like, certificates. Of  
6 course, I graduated high school. I have two  
7 certifications in financial services and  
8 insurance. And I'm a FEMA-certified broker.

9           Q. And where did you get your certifications?

10          A. American College.

11          Q. Okay. And prior to becoming a City  
12 Council member, what did you do for a living?

13          A. What I'm still doing. I'm an insurance  
14 agent.

15          Q. Okay. How long have you been an insurance  
16 agent?

17          A. Eleven years.

18          Q. Where do you work?

19          A. I work for my dad, Matt Abbott, State  
20 Farm.

21          Q. And you still hold that position?

22          A. Yes.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 Q. Is that full-time?

2 A. Yes.

3 Q. When did you start voting, Ms. Abbott?

4 A. When I turned 18.

5 Q. Okay. And you're a regular voter?

6 A. Yes.

7 Q. Okay. Outside of your City Council  
8 activity, which we'll talk about later, have you  
9 been politically active --

10 A. Yes.

11 Q. -- in the community?

12 MR. BOYNTON: I would just ask that you  
13 let her complete her question before you answer so  
14 the court reporter doesn't have to change voices  
15 more than necessary.

16 A. I'm sorry. I apologize.

17 Q. That's all right. We all do it.

18 Can you tell me a little bit about your  
19 political activity prior to running for City  
20 Council?

21 A. It was primarily federal initially,  
22 federal elections, and then kind of worked its way



Transcript of Jessica Abbott  
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1 into our local community.

2 Q. Okay. We'll talk about it later.

3 And you currently hold a Virginia Beach  
4 City Council seat for the Kempsville residency  
5 district, correct?

6 A. Correct.

7 Q. And how long have you held that position?

8 A. Since 2016. Well, that was when the  
9 election was.

10 Q. And you were sworn in in 2017?

11 A. Yes.

12 Q. And does that mean that you're up for  
13 reelection in 2020?

14 A. Yes.

15 Q. And you live in the Kempsville district?

16 A. Yes.

17 Q. Okay. During the time that you've lived  
18 in Virginia Beach since 2001, has the minority  
19 population in Virginia Beach grown?

20 A. I don't -- I can't speak to that.

21 Q. Okay. You're not aware of whether or not  
22 the African American community is a larger

Transcript of Jessica Abbott  
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1 percentage of the Virginia Beach community now  
2 than it was previously?

3 A. No.

4 Q. Okay. Do you know the demographic profile  
5 of your own district in Kempsville?

6 A. I couldn't recite it to you, but I'd  
7 imagine it's similar to the demographic profile of  
8 the city in general.

9 Q. Okay. So about what percentage of your  
10 district would you say is minority?

11 A. 30 percent.

12 Q. Okay. Are there neighborhoods in Virginia  
13 Beach that are historically or predominantly  
14 African American neighborhoods?

15 A. Yes.

16 Q. And what are some -- which ones would you  
17 identify as predominantly African American?

18 A. Seatack.

19 Q. Any others?

20 A. Burton Station. Those are the two off the  
21 top of my head.

22 Q. Are there any neighborhoods that you would

Transcript of Jessica Abbott  
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1 classify as predominantly or historically Latino?

2 A. Not to my knowledge.

3 Q. Okay. How about predominantly Asian?

4 A. Not to my knowledge.

5 Q. I'm going to go ahead and mark a couple of  
6 exhibits we're likely to refer to throughout the  
7 deposition. The first we'll mark as Exhibit 1.

8 (Exhibit 1 was marked and  
9 attached to the transcript.)

10 Q. And so this exhibit is the subpoena that  
11 you received earlier this year; is that right?

12 A. Yes.

13 Q. Okay. And attached to it is your various  
14 responses to the subpoena?

15 A. Yes.

16 Q. Okay. And, then, I'm going to attach --  
17 mark as Exhibit 2 these documents.

18 (Exhibit 2 was marked and  
19 attached to the transcript.)

20 Q. Exhibit 2 is a supplement that I received  
21 from your attorney that reformats some of the  
22 documents that you originally produced. Is that

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1 your understanding?

2 A. Yes.

3 Q. So it's a number of text messages from  
4 your phone; is that right?

5 A. Uh-huh.

6 MR. BOYNTON: Yes or no.

7 A. Yes.

8 Q. He's more of a stickler than I am.

9 Can you go over with me how you went about  
10 searching for relevant documents that would be  
11 responsive to the subpoena?

12 A. Yes. I did a keyword search in my  
13 cellphone for the text messages. And I did a  
14 keyword search on my Facebook Messenger, which is  
15 my official Council page.

16 Q. And did you search through any personal  
17 emails, as well?

18 A. Yes.

19 Q. Okay. And how did you go about selecting  
20 keywords?

21 A. I used the keywords you-guys provided in  
22 your subpoena.

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Conducted on October 3, 2019

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1 Q. Okay. In this subpoena we didn't provide  
2 specific keywords. Did your attorney provide you  
3 with keywords?

4 A. I mean that I used the words from the  
5 subpoena and searched specifically that  
6 information.

7 Q. Fair enough.

8 And what personal email accounts do you  
9 use?

10 A. I don't use any of my personal email for  
11 city-related business.

12 Q. Okay. Did you use your personal email for  
13 campaign-related --

14 A. I did not.

15 Q. What did you --

16 A. I had a campaign email.

17 Q. Okay. Did you search your campaign email?

18 A. I no longer have a campaign email.

19 Q. Okay. You no longer have any access to  
20 your prior campaign email?

21 A. No. I had deleted it right after the  
22 election.

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1 Q. Okay. And who hosted your campaign email?

2 A. Go Daddy.

3 Q. And what was the email address?

4 A. jessica@jessicapabbott.com.

5 Q. What personal email account did you search  
6 for responses to this subpoena?

7 A. I searched all of them, but I don't use my  
8 emails. There wasn't anything.

9 Q. Okay. How many personal email accounts do  
10 you have?

11 A. I have my Gmail, and I have a work email.

12 Q. Okay. And your cellphone, is that both  
13 your personal and work cellphone or --

14 A. It's just a personal cellphone.

15 Q. Okay. Do you have any cloud-based  
16 file-sharing service that you use?

17 A. I have a Google Drive.

18 Q. Did you search your Google Drive?

19 A. I did.

20 Q. Okay. And you're on Facebook, and you  
21 said that you searched your Facebook Messenger; is  
22 that right?

Transcript of Jessica Abbott  
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1 A. That's correct.

2 Q. Did you also search your Facebook page?

3 A. I did.

4 Q. Do you have a Twitter?

5 A. Yes, but I don't use it.

6 Q. Okay. Did you search your Twitter?

7 A. I did.

8 Q. And do you have an Instagram?

9 A. Yes.

10 Q. And did you also search that?

11 A. Yes.

12 Q. Okay. Are there any other accounts that  
13 you searched that I omitted?

14 A. No.

15 Q. Okay. Do you have any paper files at  
16 home?

17 A. No.

18 MR. BOYNTON: She's the inverse of the old  
19 school Council member.

20 A. I have no paper.

21 Q. How would you describe the job duties of a  
22 City Council member of Virginia?

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1           A. I don't really know how to answer that  
2 question, other than we are elected to represent  
3 our community and do our best to be honest. I  
4 guess that's how I would describe it. I don't  
5 know how to be more specific than that.

6           Q. I'm looking for a bit more mundane --

7           A. Okay.

8           Q. -- description of the tasks. So you, I  
9 imagine, are in charge of the budget --

10          A. Yes.

11          Q. -- et cetera. So if you could describe,  
12 kind of, the tasks that are assigned to the City  
13 Council in managing the city.

14          A. Well, we're primarily responsible for the  
15 budget. We're responsible for mostly planning  
16 items related to land use. There is a handful of,  
17 I guess what would be categorized as, more social  
18 issues that would fall into that category. But I  
19 would, generally, describe it as policy and  
20 land-based responsibilities -- land use-based  
21 responsibilities.

22          Q. So you pass the budget? You can also pass



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1 other forms of ordinances or resolutions; is that  
2 right?

3 A. Yes.

4 Q. Does City Council also elect any other  
5 city officers to serve?

6 A. Yes.

7 Q. And what officers does City Council  
8 select?

9 A. City Manager, City Attorney, City Auditor,  
10 City Clerk, and the Real Estate Assessor.

11 Q. And City Council had oversight  
12 responsibility for those individuals?

13 A. Yes.

14 Q. Okay. And City Council meets in public  
15 session how often?

16 A. Four times a month.

17 Q. Okay. What's your current salary as a  
18 City Council member?

19 A. 28,000.

20 Q. And about how much -- how large a time  
21 commitment is City Council?

22 A. It varies. I would say at least 20 to 30

Transcript of Jessica Abbott  
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1 hours a week.

2 Q. Okay. And City Council manages the  
3 largest city in Virginia, right?

4 A. Yes.

5 Q. So it's a pretty big responsibility?

6 A. Yes.

7 Q. Is part of your responsibility to also  
8 communicate directly with your constituents about  
9 their concerns?

10 A. Yes.

11 Q. And how do you, typically, do that?

12 A. I utilize a variety of platforms:  
13 Facebook, my email, cellphone, town halls, just  
14 about any way I can.

15 Q. Okay. And apart from this lawsuit, have  
16 you been involved in any litigation as a Council  
17 member?

18 A. Not personally, no.

19 Q. Is there other litigation against the city  
20 that you've had to participate in in any way?

21 A. No.

22 Q. Are you aware of ongoing litigation

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 against the city, other cases?

2 A. Oh. No.

3 Q. Okay. Had you ever run for public elected  
4 office before you were elected to City Council?

5 A. No.

6 Q. Had you ever been appointed to fill a  
7 vacant seat for elected office?

8 A. No.

9 Q. Had you ever been appointed to any other,  
10 kind of, official government position?

11 A. No.

12 Q. So you'd never served in a public position  
13 prior to this City Council seat; is that right?

14 A. Correct.

15 Q. Okay. Prior to the 2018 election, did you  
16 know Sabrina Wooten?

17 A. No.

18 Q. When did you first meet or become aware of  
19 Sabrina Wooten?

20 A. She approached me at a town hall when she  
21 was running for office. I don't know the exact  
22 date.

Transcript of Jessica Abbott  
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1 Q. Fair enough.

2 And what did she approach you about?

3 A. She just was attending as a constituent.  
4 She just introduced herself. It was small talk.

5 Q. Fair enough.

6 Did you support Sabrina Wooten during her  
7 campaign?

8 A. I did not.

9 Q. Do you know of other City Council members  
10 or candidates that supported Sabrina Wooten during  
11 her campaign?

12 A. No.

13 Q. Did you support anyone during the 2018  
14 election?

15 A. I did.

16 Q. Okay. Who did you support?

17 A. I supported Eric Wray in his race.

18 Q. Right.

19 A. And I supported Aaron. I supported Louis  
20 Jones. I supported Pieri Burton, but he withdrew.  
21 I supported John Coker. He also withdrew.

22 Q. Why did they withdraw?

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Conducted on October 3, 2019

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1           A. I don't -- I think -- Pieri, I can only  
2 speculate. John withdrew because of a family  
3 matter.

4           Q. Okay. And how did you know Mr. Wray?

5           A. Oh. I've known him a long time. We're  
6 friends.

7           Q. All right. Personal friends?

8           A. Yes.

9           Q. Okay. And how did you support Mr. Wray's  
10 campaign?

11          A. An endorsement. And I walked around with  
12 him a lot, just kind of general campaign.

13          Q. Did you come to endorse him because of the  
14 personal relationship --

15          A. Yes.

16          Q. -- you had with Mr. Wray?

17                Were there specific platform issues that  
18 also led you to support Mr. Wray over Ms. Wooten?

19          A. I think, generally, we had a more moral  
20 line philosophically.

21          Q. How so?

22          A. He's a fiscal conservative, as am I.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 That's probably the primary reason.

2 Q. Okay. And how did you come to support  
3 Mr. Rouse's campaign?

4 A. I was introduced to him at a political  
5 event, and I just liked him.

6 Q. Who introduced you?

7 A. I don't really remember.

8 Q. Okay.

9 A. It was in an -- it was at an event. It  
10 wasn't -- I don't really -- I don't remember.

11 Q. Do you remember what the event was?

12 A. No.

13 Q. When was that?

14 A. It was early in the campaign. It was,  
15 like, a fundraiser for a charity. It wasn't a --  
16 I don't really remember the specifics. I remember  
17 it was, like, a fundraiser for a charity. I want  
18 to say it was the Oyster Crush, but I'm not sure.

19 Q. And was it, like, in the spring of 2018 or  
20 the summer?

21 A. Oh, yeah. It was in the spring.

22 Q. Okay. And after you met Mr. Rouse, did

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1 you meet with him again to talk about an  
2 endorsement or talk more about his campaign or was  
3 it just that one meeting?

4 A. We ran into each other and chatted when we  
5 ran into each other, and we spoke on the phone.

6 Q. You spoke on the phone?

7 A. Yes.

8 Q. About how many times did you speak on the  
9 phone?

10 A. I couldn't say specifically. Probably a  
11 dozen.

12 Q. Okay. Did you talk about issues related  
13 to Virginia Beach or platform issues?

14 A. Yeah. I would say yes.

15 Q. And what were some of those issues?

16 A. We discussed the disparity study. We  
17 discussed the City Manager. And we spoke, kind  
18 of, broadly about everything else.

19 Q. And you and Mr. Rouse shared concerns  
20 about the City Manager?

21 MR. BOYNTON: I'm going to interpose an  
22 objection here. As to the time once Mr. Rouse

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1 became a Council member, that potentially gets  
2 into discussions that would be covered under  
3 legislative privilege. Certainly your  
4 conversations with him when he was simply a  
5 candidate wouldn't fall within that.

6 Q. We're talking about him as a candidate.  
7 During the time you were talking when he was a  
8 candidate, did you share concerns about the City  
9 Manager?

10 A. I would say we spoke broadly about both of  
11 those issues.

12 Q. Okay. I guess I'm going to need you to be  
13 a little bit more specific about what the issue  
14 with the City Manager was.

15 A. It was general -- I had been known to not  
16 support the former City Manager. And we,  
17 basically, discussed that that was what my  
18 position said. And he had a similar position.

19 Q. Okay. Had you heard of Mr. Rouse before  
20 he ran for City Council?

21 A. No.

22 Q. Okay.



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1 A. I feel like I'm the only one who hadn't.

2 Q. And when did you announce your endorsement  
3 of Mr. Rouse, approximately?

4 A. It was a few months before the election.  
5 I don't really recall specifically.

6 Q. Okay. And how did you go about announcing  
7 your endorsement?

8 A. On Facebook.

9 Q. Did you announce all your endorsements  
10 together?

11 A. I did.

12 Q. Okay.

13 A. Within a period of time, like the same two  
14 or three days that came out.

15 Q. Okay. And your endorsements were Eric  
16 Wray, Aaron Rouse, City Council Member Jones, and  
17 two individuals, Mr. Burton and Mr. Coker who  
18 withdrew?

19 A. They had withdrawn before the formal  
20 endorsements went out.

21 Q. So just Eric Wray --

22 A. And Councilman Moss. I'm sorry. I

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1 totally forgot about John.

2 Q. Okay. So Councilman Moss, Councilman  
3 Jones, Aaron Rouse, and Eric Wray?

4 A. Yes. I believe that was everybody  
5 running.

6 Q. Okay. Great.

7 Did you donate any money to any of those  
8 campaigns?

9 A. I think I gave Councilman Moss \$50, but  
10 that would have been the only financial  
11 contribution.

12 Q. Okay. You mentioned that you walked  
13 around a great deal with Mr. Wray. Did you do any  
14 kind of campaigning with Mr. Rouse or Councilman  
15 Jones or Councilman Moss?

16 A. Well, Eric Wray and Councilman Moss were,  
17 kind of, always together.

18 Q. Okay.

19 A. So by default I did some campaigning for  
20 Councilman Moss. John Coker, I helped him with an  
21 event. And the same thing with Pieri Burton.  
22 Like I said, they both withdrew. I didn't do

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1 anything for Councilman Jones. And Aaron, I  
2 didn't really do anything for him.

3 Q. Okay. Do you know what City Council  
4 members supported Sabrina Wooten's campaign?

5 A. No.

6 Q. Do you know who else, other than yourself,  
7 endorsed Mr. Rouse's campaign from City Council?

8 A. No.

9 Q. Okay. During the 2018 election, outside  
10 of Virginia Beach City Council did you make any  
11 endorsements at the federal level or at the state  
12 level?

13 A. The 2016 race?

14 Q. 2018.

15 A. Oh. 2018. No.

16 Q. Did you make any contributions  
17 politically?

18 A. No.

19 Q. Okay. Put up any yard signs or otherwise  
20 provide any political support for candidates  
21 outside of City Council?

22 A. I had yard signs for all of the Council

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1 races, but I didn't have any for anything else.

2 Q. Okay. Aside from your own race when you  
3 were challenging Ms. Ross-Hammond, have you ever  
4 actively opposed someone who was running for City  
5 Council?

6 A. Outside of my political race?

7 Q. Yes.

8 A. No.

9 Q. Okay. You mentioned earlier that prior to  
10 becoming City Council you were politically active  
11 starting with federal races and then becoming more  
12 interested in local races; is that right?

13 A. Yes.

14 Q. Okay. What was the first campaign that  
15 you were politically active in?

16 A. Ron Paul.

17 Q. And what year was that?

18 A. I think it was the first year I voted, so  
19 12 years ago.

20 Q. When did --

21 A. Who's good at math? I'm not good at math  
22 without a calculator or pencil.

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1 Q. So was that when Barack Obama was first  
2 running for President?

3 A. I'm not sure. I don't really remember. I  
4 was 18.

5 Q. Fair enough.

6 What other Presidential candidates have  
7 you supported?

8 A. That's it.

9 Q. Okay.

10 A. I ran -- I worked on both of his  
11 campaigns. In '12 -- he ran in '12 in the  
12 primary. And, then, in 2008 -- I don't know why I  
13 didn't know that. I graduated in '07. '08 was  
14 the --

15 MR. BOYNTON: I was guessing '08, but I  
16 didn't want to put words in your mouth.

17 A. 2008 and 2012, Ron Paul.

18 Q. And what did you do as part of his  
19 campaign?

20 A. I went to New Hampshire and, basically,  
21 knocked doors.

22 Q. Okay. And you did both in 2008 and 2012?

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1           A. I went in 2012 to New Hampshire. I was  
2 local in 2008.

3           Q. Okay. Were you a volunteer or were you  
4 paid?

5           A. I was a volunteer.

6           Q. Okay.

7           A. Outside of they paid to get us there.

8           Q. Fair enough.

9           A. I paid for everything else.

10          Q. And for about how long did you do that?

11          A. In New Hampshire, it was probably two  
12 weeks. Locally, it was through the entire primary  
13 cycle.

14          Q. Okay. After the primary was over, were  
15 you active at all during the general election in  
16 2008 or 2012?

17          A. No.

18          Q. Outside of your support for Ron Paul, have  
19 you supported any other federal candidates?

20          A. Not federal. There are some state level  
21 candidates.

22          Q. Okay. Sticking with federal for just a

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1 moment, have you ever given any money to any  
2 candidates?

3 A. No.

4 Q. Okay. Put out a yard sign for any  
5 candidates?

6 A. Yes.

7 Q. Who have you put out a yard sign for?

8 A. At the federal level?

9 Q. Yes.

10 A. Ron Paul.

11 Q. No one else?

12 A. No.

13 Q. So let's talk about state level.

14 A. Okay.

15 Q. What candidates have you supported at the  
16 state level?

17 A. I supported Mark Obenshain when he ran for  
18 Attorney General, Ken Cuccinelli when he ran for  
19 Governor. I cannot remember any of their names.  
20 I supported the entire ticket for Ken Cuccinelli.  
21 Honestly, I can't remember the names of the people  
22 running now, but it was that ticket that I

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1 supported.

2 Q. And was it a Republican ticket?

3 A. It was.

4 Q. Do you know what year that was?

5 A. No, I don't. It was the year he ran for  
6 Governor. He only did it once, so...

7 Q. Okay. Are there any other State Senate or  
8 Assembly candidates that you remember in  
9 particular, outside of supporting the Republican  
10 ticket the year that Ken Cuccinelli was running  
11 for Governor?

12 A. Just for a point of clarification, you  
13 mean like actively campaign for, not voted for?

14 Q. I'm not asking you to disclosure vote.

15 A. Okay.

16 Q. So campaigned for, put out a yard sign,  
17 donate money, anything outside of casting a  
18 ballot?

19 A. Okay. At the state level in what  
20 timeframe? Any timeframe?

21 Q. Yes. To the best of your recollection. I  
22 understand that, especially for older years, you



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1 may forget individual candidates, but to the best  
2 of your recollection.

3 A. The only one I recently did anything for  
4 was Carolyn Weems in her primary against Jen  
5 Kiggans, but that's the only state legislator that  
6 I can recall that I did anything outside of cast a  
7 ballot.

8 Q. And what did you do for her?

9 A. I endorsed her in the paper or in a press  
10 release. I don't know if it made it to the paper.

11 Q. Outside of the \$50 that you maybe gave  
12 Councilman Moss, can you recall any other  
13 political contributions you've given over the  
14 years?

15 A. Nothing over \$25. Maybe a couple bucks  
16 here and there, but --

17 Q. Fair enough.

18 A. I'm not known for writing checks.

19 Q. That would probably be my response if I  
20 was in your chair, so I understand.

21 A. I give time.

22 Q. Fair enough.

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1           What did you do in terms of support during  
2           the Cuccinelli race?

3           A. I knocked doors.

4           I remember, I did support Chuck Smith when  
5           he ran for Attorney General. That was a long time  
6           ago, though.

7           Q. And what did you do to support him?

8           A. I knocked doors.

9           Q. Okay. This predates your time on the City  
10          Council, but is it your understanding that after  
11          the 2010 census the City of Virginia Beach  
12          redistricted its seven residency districts?

13          A. I believe that's correct.

14          Q. Okay. But you weren't involved in any way  
15          in that process?

16          A. No. I was 20-years-old.

17          Q. Right.

18          Do you know who Kimball Brace is?

19          A. No.

20          Q. Has City Council done -- taken any steps  
21          to prepare for a potential redistricting in 2020?

22          MR. BOYNTON: And I would just suggest

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1 that if the steps you're thinking of relate to  
2 attorney-client communications relating to this  
3 lawsuit, that you not divulge the communications.  
4 But beyond that, just answer the question.

5 A. Then that would be no.

6 MR. BOYNTON: I think she's asking a  
7 different question. I just want to be clear. You  
8 know, if City Council has taken steps as part of  
9 the normal channel -- channels to prepare for the  
10 new census in 2020 and, then, the redistricting in  
11 2021, outside of the context of this lawsuit,  
12 perfectly fine to talk about that unless they're  
13 private conversations with other Council members,  
14 which would then get into legislative privilege.  
15 I think that's what she's asking about.

16 A. We've taken the normal steps we would take  
17 for any census.

18 Q. Right. And what are those?

19 A. I know they have come and talked to us  
20 about -- the census team has come and talked to us  
21 about doing that process, but --

22 Q. And who is the census team?

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1           A. Oh. I don't know. I really can't answer  
2           that question.

3           Q. Was it city officials or is it members of  
4           the City Attorney's Office or outside consultants?  
5           Who are the folks that came to speak with you?

6           A. I think they were from the state -- or  
7           from the federal government, rather.

8           Q. Okay.

9           A. And I'm sure there was some kind of city  
10          liaison. I, honestly, don't remember. I remember  
11          that conversation.

12          Q. What did they tell you about what steps  
13          would occur?

14          A. They're going to be doing the census. I  
15          don't really -- I'm sorry. I don't remember a lot  
16          of details of that conversation.

17          Q. Okay. Do you know when, abouts, this  
18          conversation took place?

19          A. In the spring, maybe.

20          Q. And was full City Council present?

21          A. I believe so.

22          Q. Was this at a public session? Where did

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1 this meeting take place?

2 A. I mean, I don't recall if it was a public  
3 session or not.

4 Q. Okay. And so is it your understanding  
5 that after the 2020 census results are provided  
6 City Council plans to redistrict in accordance  
7 with those 2020 results?

8 A. Yes.

9 Q. Okay. Last year you came out in favor of  
10 changing the electoral system in Virginia Beach;  
11 is that correct?

12 A. I believe it was prior to that, but yes.

13 Q. Okay. And what was your proposed plan?

14 A. Initially I supported -- I put an item in  
15 the legislative packet for a hybrid plan which  
16 would make our district representatives elected by  
17 their districts but it would keep the four  
18 at-large seats plus the Mayor.

19 Q. And you said initially. Has your position  
20 changed on that?

21 A. Yeah. After feedback from the community  
22 I -- and the Council retreat this year I put

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1 together a letter that I distributed to my  
2 colleagues saying we should consider a 10-1  
3 system.

4 Q. And what reasons through community  
5 feedback led you to that change?

6 A. Community feedback. It's what I heard.  
7 To be truthful, I'm open to either option, but the  
8 community -- the feedback I got from the community  
9 said that that is what they would prefer.

10 Q. Okay. And who, specifically, in the  
11 community did you talk to about that?

12 A. A large part of the grassroots community,  
13 part of the minority community.

14 Q. Okay. Who, specifically, in the minority  
15 community did you speak to about -- liaise with  
16 about this change?

17 A. I spoke to many people. Notably, I spoke  
18 at length with George Minns about it. I spoke at  
19 length to Gary McCollum about it, Dr. Allen. I've  
20 spoken with community figures in kind of, like,  
21 the grassroots conservative area, like Robert  
22 Dean, Toni Hedrick. I'm thinking to think of -- I

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1 can't really recall. I've spoken to a lot of  
2 people about the issue.

3 Q. Fair enough.

4 You mentioned the grassroots conservative  
5 community. Can you tell me how you, kind of,  
6 define that community?

7 A. Sure. I would say it's made up of mostly  
8 Libertarians, Tea Party people. Years ago they  
9 used to call themselves the Conservative  
10 Coalition, which was just a hodgepodge of people  
11 who felt politically homeless.

12 Q. Are there any organizations --

13 A. Independents.

14 Q. Are there any, kind of, organizations,  
15 Civic Leagues, or whatnot that this community uses  
16 to gather in Virginia Beach?

17 A. I'm not sure what you're asking.

18 Q. Is there a way in which this community,  
19 kind of, gathers around any particular community  
20 organization?

21 A. I mean, many of them have -- I'm sorry.  
22 I'm cutting over you again. I apologize.

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1           Many of them have leaders of various Civic  
2           Leagues and community organizations, a part of  
3           them. But most of them are, kind of, independent  
4           of a specific community.

5           I'll add to that list I did speak to many  
6           Civic Leagues, people in Civic Leagues, that had a  
7           similar frustration about -- confusion about  
8           whether somebody was elected by the district or  
9           not.

10          Q. Are there, like, Tea Party chapters in  
11          Virginia Beach? I'm just trying to get a sense  
12          of --

13          A. There is only one.

14          Q. Okay. But there is one?

15          A. Yes.

16          Q. Okay. And does that group meet or mostly  
17          communicate by Facebook or social media?

18          A. I'm not a member.

19          Q. Okay.

20          A. I've been invited to speak. They do have  
21          meetings. I couldn't tell you the specifics.

22          Q. Got it.



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1 Do you know who leads that chapter?

2 A. No.

3 Q. Okay. Which Civic Leagues have you spoken  
4 to about single-member districts and a potential  
5 change?

6 A. I couldn't list all of them.

7 Q. Okay.

8 A. I talked about it in just about every  
9 Civic League meeting I've been invited to.

10 Q. Okay. So this is a priority for you?

11 A. It is.

12 Q. Okay. Can you talk to me a bit -- tell me  
13 about the process by which you put your original  
14 plan into this legislative packet and what process  
15 that proposal went through?

16 A. In the legislative packet?

17 Q. Uh-huh.

18 MR. BOYNTON: And that -- I would ask you  
19 to only talk about things outside of private  
20 conversations with other City Council members.

21 A. Sure.

22 Q. Should you wish to do so.

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1 MR. BOYNTON: For purposes of legislative  
2 immunity, which I understand you are invoking.

3 A. I asked the City Attorney's Office to  
4 draft an item to be put in the legislative packet.  
5 I introduced it to Council. And, then, it was in  
6 the packet. And, then, the night of the vote I  
7 received feedback from the community and a general  
8 sense that it would not be successful, so I  
9 withdrew it on the condition that we would put it  
10 to a referendum in 2020. However, I'll say that  
11 we did not vote on the referendum yet, so I can't  
12 bind a future Council to anything, but it was kind  
13 of a mutual understanding.

14 Q. How did you get the general sense it was  
15 going to fail?

16 MR. BOYNTON: Without getting into private  
17 conversations with other Council members.

18 A. I don't think I can answer that question  
19 without getting into that, so...

20 MR. BOYNTON: Is there anything outside of  
21 those private conversations that is responsive to  
22 the question?

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1 A. No.

2 Q. At the public meeting the night of the  
3 vote, did any City Council members oppose a change  
4 in the electoral system?

5 A. I withdrew it.

6 Q. There was not a discussion at the public  
7 session about their support or not support for  
8 your agenda item?

9 A. Not that I recall.

10 Q. Okay. You mentioned that people spoke --  
11 people from the public spoke. Was that at the  
12 public meeting?

13 A. We had one person speak from the public.

14 Q. And who was that?

15 A. It was Gary McCollum.

16 Q. And his feedback was he would prefer a  
17 10-1 plan?

18 A. He opposed the hybrid. And I don't  
19 remember if he gave specific testimony to what he  
20 preferred, but he did say he opposed that and  
21 wanted more feedback.

22 Q. And was there discussion about putting it

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1 on a referendum in 2020 during the public session?

2 A. Yes.

3 Q. Okay. And did all of the City Council  
4 members agree to that position at that time?

5 A. Not via any official capacity.

6 Q. Did anyone speak against that idea at the  
7 City Council meeting?

8 A. No.

9 Q. Okay. Did anybody verbally say they would  
10 support doing that?

11 A. Yes.

12 Q. Who was that?

13 A. Councilman Moss.

14 Q. Anyone else?

15 A. Not that I recall.

16 Q. Okay. But you came away from that with  
17 the understanding -- with the understanding that  
18 City Council would support putting this on a  
19 referendum for 2020?

20 A. My impression was that Council was  
21 receptive to that idea.

22 Q. Okay. Can you talk to me -- what are the

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1 reasons you think we should change to -- that  
2 Virginia Beach should change to a single-member  
3 district system?

4 A. I think it makes elections more  
5 competitive. I think it's less confusing for  
6 constituents. If you're a district rep, it would  
7 make sense you elect your district representative.

8 Q. And are there any other reasons why you  
9 support a change to a single-member district  
10 system?

11 A. Generally speaking, I think it's expensive  
12 to run a campaign, and it's difficult to amass  
13 support when you're effectively starting from  
14 scratch. And I think we need the opportunity for  
15 lots of new ideas. And if you have a smaller  
16 footprint to campaign in, you're more likely to be  
17 successful. We're a pretty large city.

18 Q. You are.

19 It's pretty unusual for a city your size  
20 to have this -- an at-large system; is that right?

21 MR. BOYNTON: Object to the form of the  
22 question.

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1           You can answer based on your  
2     understanding.

3           A. I would agree to that position.

4           Q. Okay. And you've said before that a  
5     single-member district system would make it easier  
6     for minority communities to have a voice in the  
7     City Council; is that correct?

8           A. I believe it would make it easier for  
9     minorities in general, yes.

10          Q. And by that, you mean both racial  
11     minorities but other minority positions, as well?

12          A. Political minorities, ethnic minorities.  
13     Yes.

14          Q. So do you see the at-large system as an  
15     obstacle for minority candidates of choice to get  
16     elected to City Council?

17          A. I see it as an obstacle for anybody  
18     without an enormous amount of resources to get  
19     elected.

20          Q. We've heard testimony in other depositions  
21     that your colleague Councilman Rouse, Councilwoman  
22     Wooten, and Councilman Moss all support a change

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1 in the electoral system. Do you know of any other  
2 City Council members that actively support a  
3 change in the electoral system?

4 MR. BOYNTON: I would just say to the  
5 extent they have taken a public position,  
6 certainly appropriate to testify. If your belief  
7 is based on private conversations, then that would  
8 potentially be impacted by legislative privilege.

9 A. I'm not aware of anybody else who is in  
10 public support.

11 Q. Have you spoken to any of the City Council  
12 members about their positions on this issue  
13 privately or publicly? You don't have to tell me  
14 what the content of the conversation is, but you  
15 can tell me whether or not you've had those  
16 conversations.

17 A. I've had conversations with some but not  
18 all.

19 Q. Who haven't you spoken to about this  
20 issue?

21 A. I haven't spoken to Councilwoman Henley.  
22 I don't believe I've ever had a specific

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1 conversation about this issue with Councilwoman  
2 Wilson. I asked both Councilman Berlucchi and  
3 Councilman Tower during our appointment process  
4 what their position was.

5 Q. That was actually part of the  
6 questionnaire; is that right?

7 A. Yes.

8 Q. And what were their responses?

9 A. I don't remember specifically, but it was  
10 a general, like, I'm open but not -- I don't have  
11 a -- it was vague.

12 Q. Okay.

13 A. It wasn't a hard way either way. I think  
14 that's it.

15 Q. Okay. In Exhibit 1, about a third of the  
16 way in or so there is a list -- a document in  
17 which you outline priorities. I believe it was  
18 for the retreat.

19 A. Uh-huh.

20 Q. You're there. Great.

21 When did you prepare this document?

22 A. A few weeks before the retreat.



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1 Q. And when was the retreat?

2 A. It was in February.

3 Q. Okay. Can you explain to me what you mean  
4 by a level economic playing field as one of your  
5 priorities?

6 A. It speaks mostly to our findings in the  
7 disparity study and trying to be more equitable  
8 across the board and probably, more broadly, a  
9 percentage of playing favorites.

10 Q. What do you mean by playing favorites?

11 A. Generally, there is a presumption that a  
12 select few developers in our city get  
13 opportunities that other people do not.

14 Q. Is one of those people Bruce Thompson?

15 A. Yes.

16 Q. And one of your concerns about former City  
17 Council Member -- Manager Hansen was he had  
18 provided information about internal city  
19 discussions to developers; is that right?

20 A. Yes.

21 Q. Including Bruce Thompson?

22 A. I think it was Bruce Thompson.

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1 Q. Yes.

2 Okay. And district voting is on this list  
3 of retreat priorities for you?

4 A. Yes.

5 Q. Among these priorities is district voting.  
6 Are any of these priorities more important to you  
7 than others or were they all important?

8 A. This wasn't in any particular order. They  
9 all have a place.

10 Q. What would you consider your top  
11 priorities right now for the City Council?

12 A. Flooding.

13 Q. Okay. Did other City Council members  
14 submit plans similar to yours with respect to  
15 priorities for the retreat?

16 A. Not in a written document.

17 Q. You were the only one who provided a  
18 written document for the retreat?

19 A. That I can recall.

20 Q. Okay.

21 (A discussion was held off the record.)

22 Q. If you can turn past the various text

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1 messages, there is a document that's called the  
2 bias of at-large elections, how it works.

3 A. Uh-huh.

4 Q. Was this document in your email or in your  
5 Google Drive or where did you locate this  
6 document?

7 A. No. This was just a document that I had  
8 read when I was preparing for the legislative  
9 agenda.

10 Q. Okay.

11 A. And I give more things than I sometimes  
12 need to, so...

13 Q. Thank you.

14 And so does this article talk about how  
15 at-large elections can drown out the voices of  
16 minorities?

17 A. I believe so. I haven't looked at it in  
18 quite some time.

19 Q. What's your understanding of how the  
20 Voting Rights Act relates to at-large elections?

21 MR. BOYNTON: I would just ask -- the  
22 question is properly framed. It's your

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1 understanding. You're not offering an opinion as  
2 a lawyer on legal issues.

3 A. My interpretation is that it has a history  
4 of being used as a tool to squash people with  
5 opposing viewpoints and a limited access to, I  
6 guess, resources to share their viewpoints.

7 Q. Okay. So your understanding is that  
8 sometimes the Voting Rights Act makes it unlawful  
9 to have at-large elections if they do that for  
10 minority communities?

11 MR. BOYNTON: Same objection as to legal  
12 opinions.

13 You can speak to your understanding.

14 A. I would agree with that, yes.

15 Q. Do you know what bullet voting is?

16 A. No. I've not heard that term.

17 Q. So to the best of my understanding, many  
18 at-large election systems, unlike the City of  
19 Virginia Beach, everyone just runs for a total  
20 number of seats, right?

21 A. Uh-huh. Uh-huh.

22 Q. And that's different than Virginia Beach

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1 where there is numbered seats for seven of the  
2 members; is that right?

3 A. Yes.

4 Q. And the Mayor?

5 A. Yes.

6 Q. Bullet voting is the idea that if you're a  
7 minority group that really wants to elect your  
8 candidate of choice you might choose to only vote  
9 for your one candidate even though you could vote  
10 for nine in order to limit the total number of  
11 votes that are out there and make it a better  
12 chance that your candidate would get elected.  
13 Does that make sense?

14 A. Yes. I'm familiar with that concept.  
15 I've never heard it called that.

16 Q. You can't do that in Virginia Beach; is  
17 that right?

18 A. You could in the at-large race.

19 Q. In the at-large race?

20 A. Yes.

21 Q. But that's only with respect to two seats  
22 at a time in any given election?

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1 A. Yes. Yes.

2 Q. Because of the staggered terms?

3 A. Yes. Sort -- I don't know for sure. I  
4 mean, I imagine you -- well, I think it would  
5 depend.

6 No. I guess the answer to your question  
7 is yes.

8 Q. If you --

9 A. Yes.

10 Q. Okay. The math can get confusing. But in  
11 the ordinary race, because of staggered terms,  
12 there are two at-large seats open in any given  
13 election, right?

14 A. If you count the Mayor.

15 Q. Right.

16 A. Yes.

17 Q. So sometimes it's only one?

18 A. Correct.

19 Q. Okay. So the opportunity for what we just  
20 described as bullet voting is very limited?

21 A. Just the one at-large race that comes up  
22 when two are up at the same time, which was the

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1 last election cycle.

2 Q. So would you agree that that adds a layer  
3 of difficulty for minority voices to be successful  
4 in Virginia Beach's electoral system?

5 A. If you -- if you want to use that  
6 technique, yes.

7 Q. Okay. And the next page is a Legal  
8 Defense Fund, one-pager, about at-large voting?

9 A. Uh-huh.

10 Q. Is this another material that you  
11 referenced when you were doing your research?

12 A. It is.

13 Q. Okay. This is also about the reason  
14 at-large voting can discriminate against  
15 minorities?

16 A. Yes.

17 MR. BOYNTON: We may be at a good time for  
18 a break? It's about an hour.

19 MS. LANG: Sure. I have about three more  
20 questions about this, and then we can take a  
21 break.

22 Q. Prior to your raising the issue of

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1 single-member voting as a possibility in the  
2 legislative packet, do you know if City Council  
3 was considering a change in the electoral system?

4 A. I believe the last time that was was in  
5 the '90s.

6 Q. Okay. And what first, kind of, initiated  
7 your interest in a change in the electoral system?

8 A. I've always been in favor of going to  
9 district voting in some capacity.

10 Q. So you went into your City Council  
11 election and race with this view?

12 A. Yes.

13 Q. Okay. Did you campaign on it?

14 A. Not in terms of producing material, but I  
15 spoke about it in debates.

16 Q. Okay.

17 A. Or forums, rather. We really didn't have  
18 debates, but...

19 Q. Fair enough.

20 And, then, a couple of pages further is  
21 this graphic about contested district seat  
22 elections.



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1 A. Uh-huh.

2 Q. And your research found that incumbents  
3 spend more money as compared to challengers in  
4 Virginia Beach than Norfolk?

5 MR. BOYNTON: Object to the form of the  
6 question.

7 You can answer.

8 A. Yes. Incumbents spend more than  
9 incumbents in Norfolk.

10 Q. Okay. And you see that as an obstacle for  
11 challengers, right?

12 A. Yes.

13 Q. And, similarly, you found that incumbents  
14 are less likely to lose their seats in Virginia  
15 Beach as compared to Norfolk; is that right?

16 MR. BOYNTON: Objection to the form of the  
17 question.

18 You can answer.

19 A. In the research I did, yes.

20 Q. Okay. And that there are more challengers  
21 in Norfolk races than there are in Virginia Beach  
22 races; is that correct?

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1 A. Yes.

2 Q. And you attribute a lot of these  
3 differences at least in part to the difference in  
4 the electoral system between Virginia Beach and  
5 Norfolk?

6 A. Yes.

7 Q. Okay. And Norfolk has a single-district  
8 system; is that right?

9 A. Yes.

10 Q. Okay. And as you noted earlier, you took  
11 notice when this lawsuit was initially filed,  
12 right?

13 A. Yes. That's when this graphic was  
14 created.

15 Q. Okay.

16 A. When the article in the paper ran. I  
17 don't know how far that was after it had been  
18 filed.

19 Q. Right.

20 And you said that you support much of what  
21 this lawsuit seeks to accomplish; is that right?

22 A. Yes.

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1 Q. Okay. Do you continue to agree with that  
2 proposition?

3 A. I agree with -- that we should consider a  
4 district voting system.

5 Q. Okay. And you also suggest here, at the  
6 end of this document, that it might make sense for  
7 Virginia Beach to actually have more City Council  
8 members than it currently does; is that right?

9 A. Yes.

10 Q. Okay. And do you continue to hold the  
11 view that it might make sense to have more than  
12 the current number of City Council members?

13 A. Yes.

14 Q. And why is that?

15 A. Our number of seats has not changed while  
16 our population has.

17 Q. Okay.

18 A. I think it's -- would make sense to  
19 facilitate some form of reapportionment.

20 Q. How many seats do you think might make  
21 sense, given the change in the size of Virginia  
22 Beach?

Transcript of Jessica Abbott  
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1           A. I would think we would need the most  
2 recent census data to answer that in a good way.

3           Q. Fair enough.

4           A. In an intelligent way.

5           Q. Do you know how long it has been since  
6 Virginia Beach has increased the number of City  
7 Council members?

8           A. I have tried to find that answer, and I  
9 have been unable to, so I don't know if we ever  
10 have or -- maybe we have, but I'm not sure.

11          Q. Okay. So suffice it to say, it's been a  
12 long time the same number of Council members?

13          A. Yes.

14          Q. And Virginia Beach has grown quite a bit  
15 in recent decades; is that right?

16          A. Since we incorporated, most definitely.

17          Q. Okay. What is this document?

18          A. This is a Facebook post. That's why there  
19 is a hyperlink.

20          Q. Got it. Thank you.

21          A. Yes.

22          Q. And at the end here, on the next page is

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1 this part of the Facebook post that --

2 A. This was a different Facebook post on  
3 February 25th.

4 Q. Okay.

5 MR. BOYNTON: And that's the second page.

6 A. I don't think I could pull a hyperlink. I  
7 think that's why there isn't one. I tried to  
8 hyperlink everything I could.

9 Q. I appreciate that. That makes a lot of  
10 sense to me.

11 Are these remarks on the next page remarks  
12 you gave at the disparity study march?

13 A. I believe that was, like, an after action  
14 type. This was after I had been at the march.

15 Q. Okay. And the next page is this graphic  
16 for your endorsement --

17 A. Uh-huh.

18 Q. -- of Aaron Rouse. Is this from your  
19 Facebook page?

20 A. It is.

21 Q. Okay. Did you have a graphic designer who  
22 created this for you?

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1 A. You're looking at her.

2 Q. All right.

3 A. I should give my husband some credit, as  
4 well.

5 Q. All right. And the graphics on the  
6 following two pages, are those also from your  
7 Facebook page?

8 A. That is correct.

9 Q. Okay. And you, perhaps with the  
10 assistance of your husband, created these images,  
11 as well?

12 A. That is correct.

13 Q. Have we spoken about Tim Worst yet today?

14 A. I forgot about Tim Worst.

15 Q. Okay. Who is Tim Worst?

16 A. He was in Pieri Burton's race. And when  
17 Pieri dropped out, I pivoted my support to Tim. I  
18 completely forgot about Tim.

19 Q. And Tim was in what district?

20 A. Princess Anne.

21 Q. Okay. And --

22 A. And, of course, I endorsed Bobby Dyer.

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1 Q. Other than endorsing Tim Worst, did you  
2 campaign for him in any way?

3 A. Aside from him being a part of a bigger  
4 group, not specifically.

5 Q. Okay. Did this group of people appear at  
6 events together?

7 A. Not all of them, no.

8 Q. Okay.

9 A. John Moss, Eric Wray, and Tim did.

10 Q. Okay.

11 A. Bobby occasionally.

12 Q. So John Moss, Eric Wray, and Tim Worst  
13 often campaigned together; is that right?

14 A. Yes. They were not running a campaign  
15 together, but they were often seen together.

16 Q. Got it.

17 Do you know a gentleman by the name of --  
18 let me find it.

19 MR. BOYNTON: I can tell you what I think  
20 you're thinking. Brian Kerwin?

21 MS. LANG: Yes.

22 Q. Do you know someone by the name of Brian

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1 Kerwin?

2 A. Yes.

3 Q. Who is Brian Kerwin?

4 A. He's a political consultant.

5 Q. And he appears to represent a number of  
6 different City Council members in their races; is  
7 that right?

8 A. That's correct.

9 Q. Did he represent -- did he help manage  
10 your campaign?

11 A. He did not.

12 Q. Okay. And do you know how Mr. Kerwin goes  
13 about determining who he's going to manage  
14 campaigns for?

15 A. I imagine whoever pays him.

16 Q. Okay. Does he have any other jobs in  
17 Virginia Beach? Like, what is his day job?

18 A. I think he's just a consultant. I'm  
19 sure -- I believe he consults for private  
20 business, as well.

21 Q. Okay.

22 A. But I don't have the specifics of his



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1 business.

2 Q. Okay. I'm trying to understand this  
3 process because I've never really heard of a  
4 campaign manager that works for so many different  
5 candidates in one race.

6 Are they -- does the candidates that he  
7 consults for typically align philosophically?

8 A. Generally. I think generally is the  
9 answer to that question. I can't really speak --  
10 I've never hired him, so...

11 Q. Are they, generally, conservative  
12 candidates or more progressive candidates?

13 A. I would say they're, generally,  
14 conservative.

15 Q. Okay. And do you know if -- since you  
16 have not worked with him, the answer may very well  
17 be no. But do you know if candidates or current  
18 members sometimes recommend Mr. Kerwin to other  
19 candidates or members for his services?

20 A. I don't know.

21 Q. Does Mr. Kerwin have a reputation in  
22 Virginia Beach in any particular way?

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1           A. I think his reputation is that he gets  
2 people elected.

3           Q. Okay. So he has a record of success?

4           A. Yes.

5           Q. Okay. How long has he been politically  
6 consulting in Virginia Beach?

7           A. Probably longer than I've been alive.

8           Q. Okay.

9           A. I don't know, though.

10          Q. Does he have any business with the city  
11 outside of his political consulting?

12          A. Not to my knowledge.

13          Q. Okay. Is he Caucasian or African American  
14 or do you know his race?

15          A. He would not be considered a minority.

16          Q. Okay.

17          A. He's white.

18          Q. Do you know who Mr. Kerwin consulted for  
19 in the most recent election?

20          A. I know he works with Rosemary Wilson. I  
21 don't know who his other clients were.

22           MS. LANG: Let's take a break. I'm sorry.

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1 I forgot you asked for one. I got all wrapped up.

2 MR. BOYNTON: I hear you.

3 (A recess was taken.)

4 Q. You can switch to Exhibit 2. After you  
5 skip the --

6 MR. BOYNTON: Cover stuff.

7 Q. The cover stuff. And the first text  
8 message exchange is dealing with Gary McCollum?

9 A. Yes.

10 Q. I imagine that this was just prior to the  
11 voting on your legislative agenda item for  
12 district voting; is that right?

13 A. That's correct.

14 Q. And you shared this with Gary McCollum  
15 ahead of time or you texted with him ahead of time  
16 about the issue?

17 A. Yes.

18 Q. How did you become acquainted with Gary  
19 McCollum?

20 A. Shortly after I was elected we had coffee.

21 Q. Okay.

22 A. He introduced himself to me.

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1 Q. And you two have become friendly?

2 A. Yeah.

3 Q. And you've spoken about issues in Virginia  
4 Beach together?

5 A. Yes.

6 Q. You've spoken about district voting, as  
7 well as the disparity study; is that right?

8 A. Yes.

9 Q. Have you talked to him about other  
10 Virginia city issues?

11 A. Yes.

12 Q. Okay. What are some other issues the two  
13 of you have discussed?

14 A. We've talked about police outreach to the  
15 minority community. We've spoken about the City  
16 Manager. We've spoken about more broad issues,  
17 like flooding, you know, kind of just the things  
18 that people are generally interested in.

19 Q. Have you talked to him about the 5 Point  
20 Policing Plan that the Ministers Conference had  
21 put forward?

22 A. Yes, but not in great detail.

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1 Q. Are you familiar with that plan?

2 A. Yes.

3 Q. With respect to flooding, have you ever  
4 spoken to Gary about concerns that predominantly  
5 African American areas have not received as much  
6 support -- city support as other neighborhoods in  
7 Virginia Beach?

8 A. No.

9 Q. Okay. Have you ever spoken to  
10 Mr. McCollum about concerns related to the loss of  
11 homeownership in the African American community?

12 A. No.

13 Q. Okay. I believe you testified earlier  
14 that at the public meeting on the district voting  
15 amendment Mr. McCollum actually shared some  
16 thoughts that he would not support the hybrid plan  
17 that you had put forward; is that right?

18 A. Yes. That's correct.

19 Q. A couple pages later there is a text  
20 message exchange with Kelly Fowler.

21 A. Yes.

22 Q. Who's Kelly Fowler?

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1 A. She's a delegate in the 21st District.

2 Q. And is that a district that represents the  
3 Virginia Beach area?

4 A. It is.

5 Q. Okay. And how did you first become  
6 acquainted with Kelly Fowler?

7 A. She became a district representative.

8 Q. Okay.

9 A. Or the 21st District representative.

10 Q. And how did you first meet her?

11 A. In her official capacity.

12 Q. Okay. And in 2018 you reached out to her  
13 via text message about being a sponsor should your  
14 district voting become part of a legislative  
15 packet; is that right?

16 A. Yes.

17 Q. Did she end up being a state sponsor or  
18 did you not get to that stage?

19 A. We didn't -- I'm sorry. We did not get to  
20 that stage.

21 Q. When you spoke -- did you end up having  
22 coffee with her after this text message exchange?

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1 A. We did not.

2 Q. Did you end up getting together in-person  
3 in any way?

4 A. No.

5 Q. Did you end up ever speaking to her any  
6 further about potentially being a sponsor after  
7 this text message exchange?

8 A. No.

9 Q. Okay. Have you spoken to her since about  
10 district voting or anything related to changing  
11 the electoral system?

12 A. No.

13 Q. Okay. On the second page of your text  
14 message exchange with Aaron Rouse you mention the  
15 Achievable Dream Program. What's the Achievable  
16 Dream Program?

17 A. It's a program that is -- sits on top of  
18 one of our public schools in Seatack. It's funded  
19 by private money, but it's a goal of giving  
20 resources to students who may otherwise not have  
21 them.

22 Q. Okay. So it is a program to provide

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1 private resources to public school students; is  
2 that right?

3 A. Correct, who attend Seatack Elementary  
4 School.

5 Q. Is Seatack Elementary School a  
6 predominantly African American school?

7 A. Yes.

8 Q. What kinds of resources do they provide to  
9 students?

10 A. A lot. They have a -- they have a  
11 take-home food program. They have extended day,  
12 so they have a longer school day than most --  
13 well, all of the school -- most of the schools in  
14 our city. They have summer school. They have  
15 Speaking Green, which is an etiquette program.  
16 They have programs that are devoted to giving them  
17 access to experiences that most -- they most  
18 likely wouldn't be exposed to. It's -- I mean,  
19 it's a really expansive program.

20 Q. Is part of the goal of the Achievable  
21 Dream Program to close the achievement gap between  
22 minority and white students in Virginia Beach?



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1           A. Yes. I'd also say, more broadly, it's  
2           about closing an achievement gap with people who  
3           have a lower socioeconomic status.

4           Q. Okay.

5           A. There is a lot of -- the school is very  
6           diverse.

7           Q. But the school is primarily low income?

8           A. Yes.

9           Q. Okay.

10          A. It's 100 percent low income.

11          Q. Okay. And would you say that there is a  
12          significant achievement gap in Virginia Beach  
13          based between low income and higher income  
14          communities?

15          A. Yes.

16          Q. And is there a significant achievement gap  
17          that also tracks along racial lines in Virginia  
18          Beach?

19          A. Yes.

20          Q. What, if any, programming are you aware of  
21          that Virginia Beach has taken on to try to close  
22          that achievement gap?

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1 MR. BOYNTON: Are you asking City of  
2 Virginia Beach, City Council, or other programs?

3 MS. LANG: Both.

4 MR. BOYNTON: Okay.

5 A. Well, the City of Virginia Beach doesn't,  
6 generally, have anything to do with the schools.  
7 That's the School Board. But we are partnered  
8 with Achievable Dream, so I would count us in  
9 that. But other than that, I can't really speak  
10 to something more specific.

11 Q. Do you-all set the budget for the schools?

12 A. We do.

13 Q. Okay.

14 A. Well, we approve their budget.

15 Q. Okay. So do you have any input on the  
16 budget that you approve?

17 A. No.

18 Q. Could City Council not approve a budget?

19 A. Yes.

20 Q. So in that way would City Council have  
21 some input on saying that they would not approve a  
22 budget unless it included X, Y, or Z?

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1           A. My understanding is we are able to up or  
2 down it, but we are not to provide direction.

3           Q. Okay. And when does that process happen?

4           A. Along the normal budget process.

5           Q. Okay. Have you ever met with or  
6 communicated with members of the School Board?

7           A. Yes.

8           Q. Okay. Which members?

9           A. Nearly all of them.

10          Q. Okay. Are there any that you've spoken to  
11 with more frequency than others?

12          A. I know three of them personally.

13          Q. Okay.

14          A. So yes.

15          Q. Have you partnered with any of the School  
16 Board members on initiatives or supported  
17 initiatives related to the achievement gap?

18          A. No.

19          Q. Are you aware of any programs through the  
20 School District to try to address the achievement  
21 gap in Virginia Beach?

22          A. I couldn't speak to that.

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1 Q. Okay. Later on, on this same page you  
2 reference Vision 2040. What's that?

3 MR. BOYNTON: Let's be clear. What page  
4 are you referring to?

5 MS. LANG: I'm on the second page of text  
6 messages with Aaron Rouse.

7 A. Oh. Yeah. David Weiner is one of the  
8 people appointed to that board, and he asked me to  
9 reach out to Aaron.

10 Q. Okay. And what is Vision 2040?

11 A. It's a community board that Council  
12 initiated to help promote the ideas of what the  
13 city will look like in 2040.

14 Q. Okay. And who is David Weiner?

15 A. He is -- well, he's a Planning Commission  
16 representative, but he also serves on that board  
17 as an appointed person.

18 Q. Okay. How many people are on that board?

19 A. Oh. I don't know.

20 Q. Okay. Do you know why he wanted to talk  
21 to Mr. Rouse?

22 A. No.

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1 Q. So you were just being a conduit --

2 A. Yes.

3 Q. -- for him?

4 We can skip the correspondence with  
5 Mr. McCollum for a moment and go to the  
6 correspondence with FairVote Virginia. The date  
7 on this is January 9th. Is that January 9th of  
8 this year or last year?

9 A. I believe it's this year.

10 Q. Okay. And did you reach out to FairVote  
11 Virginia first or did somebody from FairVote  
12 Virginia contact you?

13 A. No. I initiated contact.

14 Q. Okay. And why did you initiate contact?

15 A. I liked their message.

16 Q. So are you a supporter of a ranked choice  
17 voting model?

18 A. I am.

19 Q. Okay. And why do you support a ranked  
20 choice voting model?

21 A. I think it will produce results more  
22 conducive with what the overall population wants

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1 to see in the government.

2 Q. Do you see ranked choice voting as  
3 providing many of the same benefits as a  
4 single-member district system?

5 A. Yes.

6 Q. Do you see ranked choice voting as a  
7 better system than a district-based system?

8 A. Potentially.

9 Q. And why is that?

10 A. Well, I think we might have a better -- I  
11 think we might have a better overall result in  
12 terms of getting a candidate that is truly  
13 representative of their area. I also think there  
14 are a lot of hurdles that need to be overcome for  
15 this system.

16 Q. Okay. And what are some of those hurdles?

17 A. Having -- the public having a good  
18 understanding of how it works.

19 Q. Uh-huh.

20 Are you familiar in other places where  
21 ranked choice voting has been successful?

22 A. No.

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1 Q. So where -- have you had any further  
2 communication with FairVote Virginia outside of  
3 these few messages?

4 A. No.

5 Q. Have you done anything else to support or  
6 learn more about ranked choice voting?

7 A. Not outside just personal edification.

8 Q. So you haven't taken any kind of public  
9 actions in support of --

10 A. I have not.

11 Q. Would you support a system that had both  
12 single-member districts and ranked choice voting?

13 A. I'm open to it.

14 Q. Okay. Who is Pieri Burton?

15 A. Pieri.

16 Q. Pieri?

17 A. He was a candidate in Princess Anne but  
18 withdrew.

19 Q. And he is a personal friend of yours?

20 A. Yes.

21 Q. How long have you known him?

22 A. Five or six years.

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1 Q. And how did you meet him?

2 A. Politics.

3 (A discussion took place off the record.)

4 Q. Have you spoken to any members of the  
5 Latino community about single-member districts?

6 A. No.

7 Q. What about the Asian community?

8 A. Yes. I believe I spoke at a forum about  
9 it.

10 Q. Where was that forum?

11 A. It would have been at the Filipino  
12 Cultural Center.

13 Q. And were the folks there supportive of a  
14 change?

15 A. It was a one-way conversation.

16 Q. Okay. You just spoke?

17 A. Yes.

18 Q. Okay. Were you invited to speak on that  
19 topic in particular or just generally?

20 A. It was a general forum.

21 Q. Okay. And when, about, was that?

22 A. Oh. I don't know. Sometime during the



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1 campaign season.

2 Q. During 2016 campaign season?

3 A. Yes.

4 Q. Okay. Have you done any outreach to the  
5 Latino community since your election?

6 A. Yes.

7 Q. And what has that been?

8 A. Well, I'm currently writing an op ed for  
9 their paper.

10 Q. Oh. What about?

11 A. Hispanic heritage.

12 Q. And who did you coordinate with to do  
13 that?

14 A. John Coker.

15 Q. Who runs their newspaper?

16 A. I couldn't tell you.

17 Q. And what organization?

18 A. I think it's the Latino Chamber of  
19 Commerce. I'm not sure.

20 Q. Okay. Have you done any other outreach to  
21 the Latino community?

22 A. No.

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1 Q. How about during your campaign?

2 A. Not directly.

3 Q. Okay. Could you name any of the leaders  
4 of the Latino community, community leaders --

5 A. No.

6 Q. -- in Virginia Beach?

7 What about for the Asian community?

8 A. I have met them. Oh. I cannot remember  
9 her name. I couldn't give you their names off the  
10 top of my head.

11 Q. Is one of the individuals you're thinking  
12 about Shewling Moy?

13 A. No.

14 Q. Okay.

15 A. But I have met her.

16 Q. Okay.

17 A. I haven't had extensive conversation with  
18 her outside of -- she's a real estate agent, isn't  
19 she? Her and I have talked a little bit about  
20 some flooding policy, but it's not been extensive  
21 conversation.

22 Q. Okay.

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1           A. I'm thinking of a Filipino woman who's a  
2 doctor.

3           Q. Okay.

4           A. But I can't remember her name.

5           Q. And does she work with the Filipino  
6 Cultural Center?

7           A. Yes.

8           Q. Okay. Earlier you testified that you got  
9 the general sense from talking to City Council  
10 members that your district voting amendment would  
11 fail and so you withdrew it; is that right?

12          A. That's correct.

13          Q. Okay. Is it your sense that City Council  
14 often communicates with each other prior to votes  
15 so that votes that are not going to be successful  
16 are often withdrawn?

17          A. No.

18          Q. Okay. So things often go to a vote that  
19 don't pass?

20          A. Yes. Well -- yes.

21          Q. And who -- outside of the budget process,  
22 if you had an ordinance or resolution or something

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1 that you wanted considered, how do you go about  
2 getting that on the agenda?

3 A. Typically, we have a draft ordinance  
4 written by the City Attorney's Office. Ideally,  
5 we provide that draft ordinance to everybody on  
6 Council, probably have a few minutes discussion on  
7 it towards the end of a meeting, and then  
8 hopefully have further discussion at a future  
9 meeting, and then the Council member can request  
10 based on public outreach/Council discussion  
11 whether they'd like it placed on the agenda.

12 Q. Okay. And if you want to get an up or  
13 down vote on a particular item, can any City  
14 Council member request that an item get an up or  
15 down vote?

16 A. Yes.

17 Q. And is that request always granted?

18 A. In my experience, yes.

19 Q. So you're not aware of requesting that  
20 something get an up or down vote but it not being  
21 granted?

22 A. No.

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Conducted on October 3, 2019

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1 Q. Okay. And who decides? Like, who's the  
2 final decider about what the agenda is going to be  
3 and what gets votes or doesn't get votes?

4 A. I think it's a collaboration with the  
5 Mayor, the Vice Mayor, and the City Manager in  
6 terms of how it's set. But I believe if a Council  
7 member would like something on the agenda it gets  
8 placed.

9 Q. Okay.

10 A. I've not experienced anything other than  
11 that.

12 Q. Okay. At the public hearing on your  
13 district voting amendment you mentioned that  
14 Mr. McCollum spoke. Do you remember anyone else  
15 speaking about the amendment?

16 A. I believe he was the only one.

17 Q. Okay. When you were elected in 2016, were  
18 you aware of the fact that the minority community  
19 was asking for a disparity study?

20 MR. BOYNTON: Object to the form of the  
21 question.

22 You can answer.

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Conducted on October 3, 2019

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1 A. Yes.

2 Q. Okay. Did you talk about that issue  
3 during your campaign at all?

4 A. Yes.

5 Q. And did you support a disparity study?

6 A. I did.

7 Q. Okay. Do you know how long members of the  
8 minority community were asking for a disparity  
9 study before City Council agreed to it?

10 A. I do not.

11 Q. Okay. It was some amount of time?

12 A. I couldn't say.

13 Q. Okay. What was your understanding of why  
14 the city needed to have a disparity study?

15 MR. BOYNTON: Object to the form of the  
16 question.

17 You can answer.

18 A. I believe the perception was there were  
19 opportunities being given to a select group of  
20 people based on relationships and access. And I  
21 felt the disparity study was a means to prove or  
22 disprove that.

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1 Q. Okay. Was that your perception?

2 A. Yes.

3 Q. And when business is allocated based on  
4 personal relationships, can that sometimes have  
5 impacts on racial equity, as well?

6 A. Potentially.

7 Q. If, for example, the people who are doling  
8 out business on the basis of personal  
9 relationships are themselves white and have other  
10 white community members, might it have a racial  
11 impact?

12 A. It could.

13 Q. Okay. George Minns was a leader in the  
14 African American community before he passed; is  
15 that right?

16 A. Yes.

17 Q. And it was George Minns' strong belief  
18 that minorities were not getting an equal  
19 opportunity for business in the City of Virginia  
20 Beach; is that right?

21 MR. BOYNTON: I'm going to object to the  
22 form of the question.

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1           You can testify to your understanding of  
2 what he said or --

3           A. In my discussion with him, I believe  
4 that's true.

5           Q. Okay. Was that also the strong belief of  
6 Bruce Smith?

7           MR. BOYNTON: Object to the form of the  
8 question.

9           You can answer to your understanding of --

10          A. I actually didn't meet Bruce Smith until  
11 after the election.

12          Q. Okay.

13          A. And I've had limited discussions with him.

14          Q. But you have met Bruce Smith since?

15          A. I have.

16          Q. And who is he?

17          A. He's a business owner in our community  
18 and, more notably, a football player, former  
19 football player, who I also did not know.

20          MR. BOYNTON: Not a huge Tech fan  
21 apparently.

22          A. I'm not a football person.



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1 Q. And Bruce Smith has strongly supported the  
2 disparity study; is that right?

3 A. That's correct.

4 Q. Okay. And he's spoken publicly about his  
5 views that the City of Virginia Beach has not  
6 treated racial minorities equally; is that right?

7 A. I believe so.

8 Q. When you were elected Mayor Sessoms was  
9 the Mayor; is that correct?

10 A. Yes.

11 Q. And did Mayor Sessoms at the time you were  
12 elected support a disparity study?

13 MR. BOYNTON: To the extent you're --

14 Q. Familiar.

15 A. Not in a public capacity, to my -- that I  
16 was exposed to.

17 Q. Are you aware that he wrote an editorial  
18 in opposition to a disparity study?

19 A. No.

20 MS. LANG: We'll mark Exhibit 3.

21 (Exhibit 3 was marked and  
22 attached to the transcript.)

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1 Q. Do you recall getting this email  
2 forwarding along a memo from the Pacific Legal  
3 Foundation and Center for Equal Opportunity about  
4 the disparity study?

5 A. No.

6 Q. Okay. But it does look like it was sent  
7 to City Council in early 2017; is that right?

8 A. It does.

9 Q. And you were on City Council at that time?

10 A. I was.

11 Q. Okay. Do you agree with the position in  
12 this email that disparity studies are frequently  
13 revealed to be defective and even fraudulent?

14 A. No.

15 Q. And do you agree with the position that a  
16 disparity study would only be needed supposedly if  
17 the city wants to have a legal justification for  
18 non-neutral measures?

19 A. No.

20 Q. Okay. Do you know if the views expressed  
21 by the Center for Equal Opportunity or Pacific  
22 Legal Foundation reflected the views of any of

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1 your City Council members?

2 A. Not to my knowledge.

3 Q. Have you spoken to anyone from the Center  
4 for Equal Opportunity or the Pacific Legal  
5 Foundation?

6 A. No.

7 Q. Okay.

8 MS. LANG: Let me mark Exhibit 4.

9 (Exhibit 4 was marked and  
10 attached to the transcript.)

11 Q. And this email change reflects there was a  
12 town hall meeting about the disparity study at  
13 which you spoke; is that correct?

14 A. Actually, that town hall was cancelled  
15 because we didn't have access to the venue.

16 Q. Okay. There was a planned town hall  
17 meeting?

18 A. There was a planned town hall. And it did  
19 get rescheduled eventually, but it did not get  
20 this attention.

21 Q. Okay. So did you put together the town  
22 hall or did somebody else organize it?

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1           A. I asked our Communications Director to  
2           help me set up the venue and the logistics in  
3           terms of trying to get the word out, but I  
4           initiated the request for a town hall. This would  
5           have been my first town hall.

6           Q. And where was it supposed to be?

7           A. The Schola Center, I think.

8           Q. The Schola Center at Tallwood High School?

9           A. That's correct.

10          Q. And why did you end up not having access  
11          to that venue?

12          A. It was double-booked.

13          Q. And why did you decide to have the  
14          disparity study to be your first -- the topic of  
15          your first town hall?

16          A. I don't know. It was something that  
17          people were interested in, and it was at that  
18          point in time a high profile part of our  
19          discussion.

20          Q. Was that a high priority for you?

21          A. Yes.

22          Q. Okay. And on the second page on this

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1 email from George Minns about the town hall he  
2 talked about something -- he mentions what he  
3 calls City Councilman Dyer's proposed version of a  
4 watered down so-called disparity study. Are you  
5 familiar with, kind of, alternative proposals from  
6 City Councilman Dyer or others that refer to  
7 something less than the community was asking for?

8 A. I recall the discussion. I don't recall  
9 seeing any formal proposal.

10 Q. Okay. And do you know the broad outlines  
11 of the, in George Minns' terms, watered down  
12 proposal?

13 A. I don't really, honestly, remember what  
14 the specifics were. It was similar to -- I  
15 remember it being similar but not as in-depth.

16 Q. Were you supportive of the full disparity  
17 study that the African American community was  
18 asking for?

19 A. Yes.

20 Q. On the next page George Minns expresses  
21 his view that they could trust City Councilwoman  
22 Jessica Abbott; is that right?

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1 A. Yes.

2 Q. Have you worked to, kind of, build trust  
3 with the African American community?

4 A. I believe so.

5 Q. And you supported Mayor Dyer in his 2018  
6 election; is that right?

7 A. Correct.

8 Q. Mr. Minns -- is it fair to say that  
9 Mr. Minns, at least in this email, does not speak  
10 highly of Mayor Dyer?

11 A. I couldn't answer that.

12 Q. He refers to him as slick-talking?

13 A. You mean in this email?

14 Q. Yes.

15 A. Oh. Yes. I would say that's fair. I  
16 thought you meant in the election.

17 Q. No.

18 Do you know why George Minns felt that the  
19 black community cannot trust Councilman Dyer?

20 A. No.

21 Q. Okay. Have you ever spoken to George  
22 Minns or Gary McCollum about their views on other

Transcript of Jessica Abbott  
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1 City Council members?

2 A. Broadly.

3 Q. Have they shared with you some of their  
4 views about other City Council members?

5 A. They have.

6 Q. What views has Gary McCollum shared with  
7 you about other City Council members?

8 A. I'd say general frustration.

9 Q. Which City Council members?

10 A. Most of the tenured ones.

11 Q. Rosemary Wilson?

12 A. Yes.

13 Q. Councilman Dyer or Mayor Dyer?

14 A. Yes.

15 Q. Council Member Jones?

16 A. I don't recall specifically --

17 Q. Okay. Vice Mayor Wood?

18 A. -- Jones.

19 Yes.

20 Q. Any others?

21 A. Councilwoman Henley.

22 Q. And has Mr. McCollum expressed his

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1 frustration specifically that those Council  
2 members are not responsive to the needs of the  
3 minority community?

4 A. I wouldn't say in that specific terms.  
5 It's just a general frustration with, I'd say, a  
6 lack of turnover and openness to new ideas.

7 Q. He's never identified specifically he  
8 feels as though they do not respond to requests  
9 from the Ministers Conference of the black  
10 community?

11 A. I would say he has said that.

12 Q. Okay. Do you sympathize with any of those  
13 concerns?

14 A. I -- yes.

15 Q. How so?

16 A. I believe that we should try to make  
17 ourselves as accessible as possible. And I feel  
18 I've done my best to be present when they've asked  
19 me to be present and responsive when they've  
20 reached out to me, and reached out to them. So  
21 I -- my personal perception is that we should all,  
22 on our body, try to do the same.



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1 Q. So you mention that this town hall had to  
2 be rescheduled. When was it rescheduled for?

3 A. I couldn't tell you the specific date. It  
4 was probably about a month or so after.

5 Q. Okay.

6 A. It might have been sooner than that.

7 Q. Okay. And where was it eventually held?

8 A. I want to say the Kempsville Rec Center.

9 Q. Okay.

10 A. It might have been the Schola Center,  
11 though.

12 Q. Okay. Was Council Member Dyer scheduled  
13 to participate in the town hall with you?

14 A. Initially.

15 Q. Okay. And why did that change?

16 A. Well, we didn't have that town hall.

17 Q. Okay. And when it was rescheduled --

18 A. I just rescheduled it for myself.

19 Q. And you did not include Council Member  
20 Dyer?

21 A. I did not exclude him, but I didn't make a  
22 point to include him either.

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1 Q. And he did not participate in that?

2 A. Not that I recall. We did have a joint  
3 town hall sometime after that, but it was about  
4 the budget.

5 MR. BOYNTON: Are you done with 4 or no?

6 MS. LANG: Yeah. I think so.

7 Q. Back to 2. In the center there, there is  
8 some lengthy correspondence with Gary McCollum.  
9 And I'm looking at the fourth page.

10 MR. BOYNTON: The date would be helpful.

11 MS. LANG: March 1, 2017.

12 MR. BOYNTON: Okay.

13 Q. And in this text message exchange you  
14 mention that it was Mayor Bobby Dyer that had to  
15 cancel the joint town hall; is that right?

16 A. Initially, yeah, and then we found out we  
17 didn't have the venue.

18 Q. Was he going to cancel it even before you  
19 found out about the venue issue?

20 A. I think he was just not going to attend.

21 Q. He was not going to attend?

22 A. Yes.

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1 Q. And then you had to cancel?

2 A. Yes.

3 Q. And you were concerned that you didn't  
4 want the rescheduling to make it appear that you  
5 didn't want to talk about the issues?

6 A. That's correct.

7 Q. And are you referring specifically to the  
8 disparity study there?

9 A. Yes.

10 Q. Okay. And your concern was that Mayor  
11 Dyer was supposed to be the one to speak and have  
12 a presentation, et cetera, and so you weren't  
13 prepared to have a presentation; is that right?

14 A. It was more it was my first town hall. I  
15 had never done it before.

16 Q. Fair enough.

17 Do you know why he decided to cancel?

18 A. I don't know. I can't answer that  
19 question.

20 Q. Okay. He just told you he'd have to  
21 cancel?

22 A. I'm sure he gave me a reason. I don't

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1 remember what it was. I think it was a scheduling  
2 conflict.

3 Q. Okay. Did you end up doing a Facebook  
4 Live?

5 A. I did not.

6 Q. Ultimately did you just decide to  
7 reschedule the town hall? Is that how you  
8 resolved this conversation about how to engage  
9 with the community about the disparity study?

10 A. That's correct.

11 Q. Okay. At the top of this exchange that  
12 we're discussing, on March 1, 2017 Mr. McCollum  
13 expresses his concern that the RFP for the  
14 disparity study for Virginia Beach was 39 pages  
15 long and full of conditions and restrictions. Did  
16 you end up talking to Mr. McCollum about those  
17 concerns?

18 A. I believe we had coffee shortly after that  
19 text message exchange. It may have been a phone  
20 call. We did talk about it.

21 Q. What kind of conditions and restrictions  
22 were in the RFP for the disparity study?

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1           A. I couldn't tell you now. I don't  
2 remember.

3           Q. Did you share his concerns that it was too  
4 restrictive?

5           A. I know we discussed it as a body, but I  
6 couldn't tell you now how exactly that  
7 conversation played out.

8           Q. On the next page Mr. McCollum shared with  
9 you, More gap financing for Cavalier on Tuesday.  
10 Wow. And you responded, Yep. Needless to say, I  
11 will be voting no.

12           Can you explain to me what he means by  
13 more gap financing for Cavalier?

14           A. I'm not an expert in gap financing, but it  
15 was a deal that Bruce Thompson had with  
16 rehabilitating the Cavalier, which is a historic  
17 property in Virginia Beach, and got a lot of  
18 public money. And I don't support that.

19           Q. And why don't you support that?

20           A. I believe it was a private venture that he  
21 should have been able to fund himself.

22           Q. Okay.

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1           A. Also, I didn't care for the perception of  
2           somebody getting more public money at what seemed  
3           like an advantage.

4           Q. So this relates to some of the concerns  
5           about cronyism?

6           A. Yes.

7           Q. And, also, you believe that this was  
8           funding that -- that this was really a private  
9           venture for Mr. Thompson's own private gain that  
10          should have been funded with private funds? Is  
11          that my understanding?

12          A. Yes.

13          Q. Okay. Did that funding ultimately get  
14          approved notwithstanding your no vote?

15          A. Yes.

16          Q. Does Mr. Thompson continue to get  
17          significant funding from Virginia Beach?

18          A. I don't know if he's gotten any since this  
19          project, off the top of my head.

20          Q. Okay.

21          A. Nothing that I can recall specifically.

22          Q. Okay. And there was a planned march in

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1 February about the disparity study; is that right?

2 A. Yes.

3 Q. And did you attend that disparity study  
4 march?

5 A. I attended -- yes. I attended both of  
6 them.

7 Q. There were two?

8 A. Yes.

9 Q. Okay. Were they close together?

10 A. They were a year apart exactly.

11 Q. Okay. And you attended both?

12 A. Yes.

13 Q. Were both of them during your tenure as  
14 City Council member?

15 A. Yes.

16 Q. Okay. One in 2017 and one in 2018?

17 A. Yes.

18 Q. Okay. Did you speak at either of them?

19 A. Yes.

20 Q. Okay. Did you speak at both of them?

21 A. Yes.

22 Q. Okay. And what was the nature of your

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1 remarks?

2 A. Inclusivity, generally. Yeah.

3 Inclusivity.

4 Q. So during your tenure at City Council it  
5 took at least a year before City Council approved  
6 the disparity study; is that right?

7 A. It was within the year from '17 to '18.  
8 I'm not sure exactly the timeline, but it was  
9 within the two -- by the time the disparity study  
10 march happened, it had passed.

11 Q. Okay. Do you know why it took as long as  
12 it did to get the disparity study passed?

13 A. Government red tape. No. There was a lot  
14 of discussion.

15 Q. Were there members that were reticent to  
16 supporting the disparity study?

17 A. Yes.

18 Q. And who were those members?

19 A. Well, the Mayor at the time. There was  
20 some general concern from some of the other  
21 members. I couldn't recall their specific -- who  
22 specifically said what, but there were people who



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1 just were worried about what the consequences of  
2 the disparity study could be.

3 Q. What kind of consequences were they  
4 concerned about?

5 A. Like, set-asides.

6 Q. Were you one of the first City Council  
7 members to come out in support of a full disparity  
8 study?

9 A. I believe I was the first.

10 Q. Who was the second?

11 A. Ben Davenport.

12 Q. Okay. And, then, was there anyone else  
13 that came out, kind of, publicly in support of  
14 the, kind of, final passage?

15 A. I believe Councilman Moss did. And I  
16 believe Councilwoman Kane did, as well.

17 Q. Okay. And that was later on?

18 A. John before Shannon. I don't remember the  
19 exact timeline, though.

20 Q. But for some significant amount of time  
21 was it only you and Councilman Davenport that were  
22 publicly supporting a disparity study?

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1 A. Yeah. Yes.

2 Q. Okay. On the next page, I think, April  
3 17, 2018, Mr. McCollum shared a concern with you  
4 that the disparity study might be presented in a  
5 closed session. And you expressed your concern if  
6 that was the case.

7 Was there a plan to present the findings  
8 of the disparity study in a closed session?

9 A. No.

10 Q. That was incorrect information?

11 A. That was.

12 Q. And it was always the plan to discuss the  
13 findings at an open session?

14 A. When we passed the disparity study, we  
15 indicated we wanted it to be a public process.  
16 And so it was my belief that it had always been  
17 the plan to discuss it publicly and not in closed  
18 session.

19 Q. And other than Mr. McCollum telling you  
20 that he heard that it would not be closed, did you  
21 have any other indications that it would be in a  
22 closed session?

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1 A. No.

2 Q. Okay. On the next page you indicate that  
3 you would email the City Manager about it. Did  
4 you do that?

5 A. I did.

6 Q. And what did he say?

7 A. He said it's going to be in open session.

8 Q. Okay.

9 MS. LANG: Can we take a very brief break?

10 MR. BOYNTON: Of course.

11 (A recess was taken.)

12 Q. We spoke about the marches for the  
13 disparity study in 2017 and 2018. You attended  
14 and spoke at both of them; is that right?

15 A. Yes.

16 Q. Did any other Council members attend the  
17 disparity study marches?

18 A. I don't believe any other members spoke.  
19 Councilman Davenport attended, and so did  
20 Councilman Moss. I'm not sure if anybody else  
21 did. I remember seeing both of them there.

22 Q. Did they attend both or only the 2018 one?

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1           A. Counselman Moss attended both. I think  
2           Councilman Davenport was just at the one, but I  
3           honestly don't remember.

4           Q. Fair enough.

5           MS. LANG: Mark Exhibit 5.

6                               (Exhibit 5 was marked and  
7                               attached to the transcript.)

8           Q. This is an email forwarding along a  
9           Facebook post from Gary McCollum; is that right?

10          A. I've never seen that before.

11          Q. Fair enough.

12          A. But presumably.

13          Q. Do you remember seeing this Facebook post  
14          on Gary McCollum's Facebook?

15          A. No.

16          Q. You're tagged in it; is that right?

17          A. Yes.

18          Q. And he refers to a plan by Will Sessoms to  
19          do a phased disparity study with three phases. Do  
20          you remember a discussion of a phased disparity  
21          study?

22          A. Yes.

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1 Q. Did you support a phased disparity study?

2 A. No.

3 Q. And why not?

4 A. I felt we should just do the full  
5 disparity study in the normal process.

6 Q. And Mr. McCollum expressed his view that  
7 this phased study was a way to delay the actual  
8 disparity study; is that right? He says delay,  
9 deflect, defeat?

10 A. I believe that's a fair assertion.

11 Q. And did you have similar concerns about a  
12 phased proposal?

13 A. I don't know if I had the same concerns.  
14 I felt we should do a full disparity study in the  
15 normal processes most places implemented.

16 Q. And is that what Virginia Beach eventually  
17 did?

18 MR. BOYNTON: Object to the form of the  
19 question only because I think it's confusing. Did  
20 it eventually do the three-phase or did it  
21 eventually do the single-phase?

22 Q. Yes. Did it eventually do the three-phase

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1 or did it eventually do the single-phase version?

2 A. I don't recall if it was in phases or not,  
3 to be honest with you. I know we eventually  
4 passed a disparity study that I felt most everyone  
5 was satisfied with.

6 Q. Okay. What were the results of the  
7 disparity study?

8 A. I couldn't tell you that off the top of my  
9 head outside of there was a disparity study.

10 Q. Overall, there was a finding of a  
11 significant racial disparity in business  
12 opportunities with Virginia Beach; is that right?

13 MR. BOYNTON: Object to the form of the  
14 question.

15 You can answer as to your understanding.

16 A. Yes, that is my interpretation.

17 Q. Can we go back to Exhibit 2?

18 MR. BOYNTON: That would be the one with  
19 my cover letter.

20 Q. In your conversation with Gary McCollum  
21 about the findings of the disparity study -- I'm  
22 looking at the page that has Saturday, October 13,

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1 2018 -- you say that the slides say nothing of  
2 substance. What slides were you referring to  
3 there?

4 A. It was a document provided in our Saturday  
5 packet, which was kind of the precursor to the  
6 unveiling -- I don't know -- the public  
7 presentation of what the disparity study returned.  
8 They didn't have any information in them. They  
9 were more like placeholder slides.

10 Q. Who did the presentation of the disparity  
11 study findings at the public session?

12 A. The firm --

13 Q. Okay.

14 A. -- that we employed or contracted.

15 Q. Do you know what steps the City Council  
16 has taken since the disparity study was issued to  
17 follow the recommendations of the disparity study?

18 A. I know we increased our goal. Taylor  
19 Adams, who was our Economic Director, was our  
20 purchasing agent at the time, was working on  
21 implementing processes that would improve and -- I  
22 want to say we received a brief of -- well, we

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1 did -- the firm that presented the disparity study  
2 presented us some recommendations of process  
3 improvements, so...

4 Q. Do you know which of those have been  
5 implemented?

6 A. I do not.

7 Q. Outside of passing a resolution to change  
8 the goal from 10 percent to 12 percent, has City  
9 Council taken any actions to respond to the  
10 disparity study?

11 A. Not that I remember.

12 Q. Okay. Do you recall that Sabrina Wooten  
13 requested in the budget that a position be created  
14 for an officer to work on issues related to the  
15 disparity study?

16 A. Yes.

17 Q. And my understanding is that that request  
18 did not appear in the budget that was voted on; is  
19 that right?

20 A. I believe that's correct.

21 Q. Do you know why?

22 A. I do not.



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1 Q. Would you have supported creating that  
2 position?

3 A. Yes.

4 Q. Okay. Do you know who did not support  
5 creating that position?

6 A. I do not.

7 Q. Okay. Who would make the decision about  
8 what makes it into the budget for a final up or  
9 down vote?

10 A. Well, the budget is created by our City  
11 Manager.

12 Q. Okay.

13 A. And, then, we as a Council provide  
14 guidance on what we would like to see in that  
15 budget. And, then, there is the negotiating  
16 period amongst us to have things added or removed.

17 Q. Who makes the final decision about what  
18 goes into the budget that gets an up or down vote?

19 A. I would say the City Manager.

20 Q. Okay. Do you recall that Councilman Rouse  
21 asked for some funding for items related to  
22 Historic Seatack in the budget?

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1 A. Yes.

2 Q. Do you remember if those were included in  
3 the final budget?

4 A. I do not recall.

5 Q. Okay. Would you have supported including  
6 those items in the budget?

7 A. Yes.

8 Q. Okay. So if they were not included, it  
9 was not because of your objection?

10 A. No.

11 Q. Okay. I'll represent to you that they  
12 were not included in the final budget. Do you  
13 have any sense of why that might be?

14 A. No.

15 Q. Okay. We spoke about this a little bit  
16 earlier. But early on in your tenure as City  
17 Council member you spoke about City Manager  
18 Hansen's conduct in office; is that right?

19 A. That's correct.

20 Q. When was the first time that you recall  
21 speaking publicly about City Manager Hansen's  
22 conduct in office?

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1 A. The campaign.

2 Q. Okay. So you had concerns about Manager  
3 Hansen from the get-go?

4 A. Yes.

5 Q. Okay. And what were your concerns at the  
6 time of the campaign about Manager Hansen?

7 A. I had a different philosophical belief of  
8 the role of government, and I did not appreciate  
9 the newspaper articles that cited him speaking  
10 disparagingly against other people.

11 Q. Who did he speak disparagingly about?

12 A. During the campaign, it was a police  
13 officer. It wasn't really speaking disparagingly  
14 about a police officer, but a negative interaction  
15 with a police officer and, then, later the  
16 disparity study remarks which he did not make. It  
17 was Ron Williams who made them, I believe.

18 Q. In a text message?

19 A. In a text message.

20 Q. To Dave Hansen?

21 A. Correct.

22 Q. About five percenters?

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1 A. Yes.

2 Q. Okay.

3 A. I did not appreciate his response.

4 Q. What was the negative interaction with the  
5 police officer?

6 A. It was a verbal conflict. I don't know  
7 the details.

8 Q. Okay. Was the police officer African  
9 American?

10 A. I don't know.

11 Q. Okay. When was the first time as City  
12 Council member that you remember speaking publicly  
13 about City Manager Hansen?

14 A. It might have been 2017. There is a  
15 newspaper article that ran when I publicly came  
16 out. I don't recall if that was in 2017 or in  
17 early 2018 or not.

18 Q. Okay.

19 A. But it was sometime within my first two  
20 years.

21 Q. And I'm just reading from the newspaper  
22 article in which you said that you think Dave

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1 Hansen should be terminated. I think he has acted  
2 inappropriately, and I don't think his actions are  
3 acceptable. And that was on June 11, 2018. Does  
4 that sound right to you?

5 A. Yes.

6 Q. And one of the reasons was you felt that  
7 City Manager Hansen wasn't giving fair and equal  
8 opportunity to business owners in Virginia Beach;  
9 is that right?

10 A. That's correct.

11 Q. Okay. Who were City Manager Hansen's  
12 strongest allies on the City Council?

13 MR. BOYNTON: I would ask you to base your  
14 testimony on things outside of private  
15 conversations with other Council members while  
16 they were Council members.

17 MS. LANG: I don't think that that's  
18 proper.

19 MR. BOYNTON: What I'm trying to do is --  
20 she has invoked legislative privilege. I would  
21 ask her not to testify as to private conversations  
22 with other Council members relating to Mr. Hansen.

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1       However, anything outside of that is not subject  
2       to legislative privilege and she can answer  
3       accordingly.

4               MS. LANG: I do think we should clarify  
5       something. I have asked her a question about her  
6       understanding of who the allies were. Are you  
7       saying that you believe that she can invoke  
8       legislative privilege not only as to the  
9       conversations themselves but also to any views  
10      she's formed as a result of those conversations?

11              MR. BOYNTON: Well, it would depend on --  
12      I mean, that's kind of a hypothetical. But she  
13      should not relate information she gleaned from  
14      private conversations in the legislative context.  
15      If she's gleaned information from other sources or  
16      publicly, then she can answer.

17              MS. LANG: I'll just state for the record  
18      I don't think that that's proper. I think that  
19      her -- she can testify to her understanding. I'm  
20      not asking for any conversations. But her  
21      understanding is -- whether it be based on some  
22      mix of public and private interactions, her

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1 ultimate understanding is discoverable.

2 MR. BOYNTON: Again, I would object to the  
3 extent that she's basing her understanding on  
4 private legislatively privileged conversations.

5 You can answer to the extent that your  
6 information is beyond that.

7 MS. LANG: And I will state for the record  
8 that that's an improper objection and oppose it.

9 MR. BOYNTON: Okay.

10 A. I'm only aware of two Council members at  
11 the time, at least in that newspaper article, that  
12 were -- that wanted to have him removed, and that  
13 was myself and Councilman Moss.

14 Q. Okay. And everybody else still supported  
15 City Manager Hansen at that time, to your  
16 knowledge?

17 A. I don't recall having any specific  
18 conversations with anybody that specifically said  
19 they did or did not support. But Councilman Moss  
20 and myself were vocally in opposition.

21 Q. And Councilman -- City Manager Hansen did  
22 resign recently; is that right?

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1 A. That's correct.

2 Q. What events led to his resignation?

3 A. The review of his contract.

4 Q. Okay. And when was that?

5 A. In August.

6 Q. And prior to the review of his contract,  
7 are you aware of any reprimands or discipline that  
8 the City Council gave to City Manager Hansen  
9 regarding his conduct?

10 A. I think that's --

11 MR. BOYNTON: Well, the actions are not  
12 privileged. The internal conversations are  
13 privileged.

14 MS. LANG: Nothing with the City Manager  
15 involved is privileged. So if he was present or  
16 something was said to him, those are not  
17 privileged conversations.

18 MR. BOYNTON: I'm not sure I entirely  
19 disagree -- entirely agree with that. But what we  
20 can agree on is that if action was taken as to  
21 Mr. Hansen, you can testify as to the action.

22 MS. LANG: Are you testifying --



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1 MR. BOYNTON: I'm not testifying at all.

2 MS. LANG: Are you suggesting that a  
3 conversation that is -- that non-privileged  
4 individuals are privy to, that that doesn't waive  
5 the privilege?

6 MR. BOYNTON: I'm saying if they are in a  
7 conversation in a privileged setting and they are  
8 having these conversations, similar to if the  
9 attorney is present, that the privilege is  
10 automatically defeated.

11 MS. LANG: You don't think the presence of  
12 City Manager Hansen, someone who is not -- who  
13 does not hold the privilege waives the privilege?

14 MR. BOYNTON: I'm not entirely -- I'm not  
15 agreeing, for purposes of today, that there is a  
16 waiver of the privilege by virtue of Mr. Hansen  
17 being in a closed session. So, you know --

18 MS. LANG: I think that's not supportable.

19 MR. BOYNTON: We don't agree with that.  
20 You can think what you want. We can fight about  
21 it later.

22 You can testify as to actions, which I

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1 think is the question.

2 A. The only public action I recall was when  
3 we chose not to give him a pay raise last year.

4 Q. Now, there is a private action that  
5 occurred. And I believe that Mr. Boynton is  
6 telling you you can testify as to private actions.

7 MR. BOYNTON: If he was scolded in  
8 private, you can speak to the scolding.

9 A. Okay. Well, then he did have a meeting  
10 with Council where we discussed our concerns with  
11 his behavior.

12 Q. Okay. And when was that?

13 A. Well, we discussed it at the meeting he  
14 resigned.

15 Q. And a prior meeting, as well?

16 A. Yes.

17 Q. And when was the prior meeting?

18 A. I couldn't give you a date.

19 Q. Was it earlier this year?

20 A. I believe it was earlier this year.

21 Q. And who spoke to Mr. Hansen at that  
22 meeting?

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1 A. I spoke to Mr. Hansen.

2 Q. Who else?

3 A. Councilman Rouse, Councilman Moss.

4 MR. BOYNTON: Talking about the first --

5 MS. LANG: The first meeting.

6 A. I don't remember if anybody else spoke.

7 Q. Okay. And what did you say?

8 A. I said I was concerned with his inability  
9 to control himself.

10 Q. Okay. Anything else?

11 A. I spoke to the -- some effect of I felt  
12 that he should know better than to put things in  
13 writing, and that he should have control over his  
14 temper.

15 Q. Do you recall what Mr. Rouse said?

16 A. No.

17 Q. Or Mr. Moss?

18 A. It was along the same vein.

19 Q. Was there anyone that spoke to Mr. Hansen  
20 at that meeting in support of his conduct?

21 A. The first meeting?

22 Q. Uh-huh.

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1 A. Not that I recall specifically.

2 Q. Okay. What about the second meeting where  
3 he resigned?

4 A. Yes.

5 Q. Who?

6 A. Councilman Jones spoke in favor of -- I  
7 should say he defended the former City Manager.  
8 I'm trying to remember what everybody said.

9 There were other comments made. I don't  
10 know that I would say specifically that they were  
11 in defense of or in support of, but there were  
12 general comments made of whether or not any  
13 further action was necessary.

14 Q. From whom were those comments?

15 MR. BOYNTON: I'm going to object now. I  
16 think we are into specific conversations among  
17 Council members.

18 You can testify as to actions taken. You  
19 can testify as to ultimate direction that was  
20 given. But just the back and forth comments, we  
21 are at this point reserving legislative privilege  
22 on.

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1 MS. LANG: Well, I think that's  
2 Ms. Abbott's decision.

3 MR. BOYNTON: Well, she's already invoked  
4 it.

5 MS. LANG: That's not how it works, as we  
6 discussed many times.

7 A. I would concur with my attorney.

8 Q. That's fine. It's just a matter of  
9 process.

10 A. That's fine.

11 Q. I think the other issue -- I want to be  
12 clear. You're testifying as to remarks that were  
13 made in Mr. Hansen's presence, right?

14 A. Yes.

15 Q. In a discussion with Mr. Hansen?

16 A. That's correct.

17 MR. BOYNTON: In a closed session?

18 A. In a closed session.

19 MS. LANG: Thank you.

20 MR. BOYNTON: Okay.

21 MS. LANG: You have made your record.

22 Q. And what was the ultimate determination of

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1 the City Council at that meeting?

2 A. There was none. The City Manager made a  
3 decision.

4 Q. Okay. He made a decision at that meeting?

5 A. Yes.

6 Q. Okay. Were there the votes whether to  
7 renew City Council Member's -- City Manager's  
8 contract at that time?

9 MR. BOYNTON: I'm going to object to that  
10 question. It calls for information that relates  
11 to internal conversations with Council members.

12 If there was information that was publicly  
13 made, then you can testify to it.

14 A. I'm only aware of three Council members  
15 that were publicly not in favor of renewing his  
16 contract.

17 Q. But at that meeting he decided to resign?

18 A. Yes.

19 Q. And did he announce his resignation  
20 immediately thereafter?

21 A. I believe the next morning.

22 Q. Okay. And did anyone on City Council come

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1 to his defense or suggest that he should not have  
2 resigned after he announced his resignation?

3 A. Yes.

4 Q. Who?

5 A. Councilwoman Henley.

6 Q. Okay. Why did she say that he should not  
7 have resigned?

8 A. I believe she felt he was a very qualified  
9 person.

10 Q. You disagreed?

11 A. No. He was very qualified. But there is  
12 a second component to being City Manager. It's  
13 not just about how qualified you are.

14 Q. City Council is now in the process of  
15 replacing Mr. Hansen; is that right?

16 A. That's correct.

17 Q. Are there publicly identified candidates  
18 for that role?

19 A. No.

20 Q. What is the timeline that's planned for  
21 replacing Mr. Hansen?

22 A. There is not a specific set of time. I

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1 think we are ideally hoping for the beginning of  
2 the year.

3 Q. Okay.

4 A. But we don't have a this month we would  
5 like to have a City Manager.

6 Q. What steps has City Council taken thus far  
7 in its process of replacing Mr. Hansen?

8 A. In our fall retreat we identified  
9 values/qualities we'd like to see in a future City  
10 Manager, as well as what kind of firm we would  
11 like to employ to help us with the hiring process.  
12 And we have started -- we had an RFP go out for  
13 the firm that will do the national search.

14 Q. And what are the requirements of the RFP?

15 A. Oh. I really couldn't answer that  
16 question.

17 Q. Okay. More broadly, what things did City  
18 Council say that they would want to see in a firm  
19 to -- that would be in charge of this process?

20 A. Sure. They were -- we were looking mostly  
21 for firms that had had success in getting a City  
22 Manager to a city of our similar size.



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1 Q. Was diversity a component of that  
2 discussion?

3 A. Yes, on a general level. Specifically  
4 related to the firm, it was mostly about there  
5 being concerns that we didn't get a lot of  
6 applicants when we hired Dave, so we wanted to  
7 make sure we had a larger pool of people to look  
8 at.

9 Q. Okay. So you're still in the process of  
10 hiring for that firm?

11 A. Yes. We have not selected one.

12 Q. Okay. And so the application process has  
13 not begun as a result of that or has it?

14 A. No. The application process has  
15 happened -- has begun. I believe it is also  
16 closed, but I couldn't -- I'm not 100 percent  
17 certain if the RFP process is closed or not.

18 Q. Okay. But the application process for the  
19 City Manager position, has that started yet?

20 A. No.

21 Q. Okay. What qualities are you looking for  
22 in a City Manager?

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1           A. I've mentioned wanting a City Manager that  
2           is a skilled communicator since that was a primary  
3           concern of mine. Well-qualified in terms of their  
4           education as it relates to our specific challenges  
5           like flooding and our infrastructure issues, of  
6           course the ability to understand large budgets,  
7           which is kind of all, in my opinion, a given when  
8           we are looking for a City Manager.

9           So I'm mostly focused on their ability to  
10          communicate, their willingness to be a part of our  
11          community. I hope they're -- the term I used in  
12          the retreat was they're adventurous, they're open  
13          to new ideas, and want to get to a place that  
14          maybe makes our city even more special and unique.

15          Q. We talked about your policy priorities and  
16          the list of policy priorities that you provided in  
17          your retreat document. Are any of those  
18          priorities that you think are of particular  
19          importance to the minority community, the racial  
20          minority?

21          A. I think most of them apply to nearly  
22          everyone. Of course, the issues when it came to

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1 the disparity study was certainly something of  
2 interest. I would say that the district voting,  
3 generally, is something of interest. I don't  
4 recall everything that was on that list, but I  
5 would argue that, generally, everything applies to  
6 nearly everyone in the city.

7 Q. That's fair enough.

8 The two issues that you've spoken with  
9 minority community members about the most, would  
10 you say those are district voting and the  
11 disparity study?

12 A. Yes.

13 Q. Are there key issues you've spoken  
14 extensively about with African American leaders?

15 A. Not that weren't broad.

16 Q. Okay. How about policing issues?

17 A. There have been very limited conversations  
18 with various members of that community but not  
19 anything extensive.

20 Q. What's your understanding of what steps,  
21 if any, the City Council has taken in response to  
22 the 5 Point Plan related to policing that was

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1 presented to City Council?

2 A. Most of what I know that we've implemented  
3 was implemented before I was on Council. I have  
4 heard that there are members of the minority  
5 community that don't feel like we've fully  
6 implemented a lot of the points on that list. But  
7 nearly everything that the Police Department in  
8 Virginia Beach has done was done before I was on  
9 Council. And the Human Rights Commission had a  
10 lot to do with it. And I think, generally, there  
11 hasn't been a lot of movement since I got on  
12 Council with regards to that specific issue.

13 Q. Okay. Are there any specific measures  
14 related to the 5 Point Plan that you would  
15 support?

16 A. Do you have a copy? I don't recall  
17 everything that's on that list.

18 Q. Fair enough. I think I do.

19 MS. LANG: Mark this as Exhibit 6.

20 (Exhibit 6 was marked and  
21 attached to the transcript.)

22 A. Oh. I was very vocal --

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1 MR. BOYNTON: You have to respond to her  
2 question.

3 And she has to actually be working.

4 Q. That's okay. I just wanted to make sure  
5 the court reporter had an opportunity to mark the  
6 exhibit.

7 So you'll see on the second to the last  
8 page there is the five areas the African American  
9 community identified as areas for improvement.  
10 Now, my understanding is that there is actually a  
11 much more detailed list --

12 A. Uh-huh.

13 Q. -- related to these five areas of specific  
14 action, but this is at least the categories. And  
15 are there any issues on this list that you have  
16 acted on?

17 MR. BOYNTON: You, Ms. Abbott, or you, the  
18 City of Virginia Beach?

19 BY MS. LANG:

20 Q. You, Ms. Abbott.

21 A. So number 3, I did campaign on the body  
22 camera issue.

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1 Q. Okay.

2 A. But I believe that was already in the  
3 process of being implemented before I was on  
4 Council.

5 Q. Okay.

6 A. And I know that they're continuing to  
7 implement body cameras. So I do support that.

8 Q. Okay. What is the current status of the  
9 body cameras? Do you know?

10 A. I couldn't tell you.

11 Q. Okay. Are they -- do we have body cameras  
12 on all police officers at this time?

13 A. I know we have it on some of them.

14 Q. Okay. Are you aware of any steps the city  
15 has taken with respect to the hiring, retention,  
16 and promotion of African American police officers?

17 A. I'm not aware of anything specific.

18 Q. Okay. Are you aware of a past Consent  
19 Decree related to a lawsuit with the Department of  
20 Justice about discriminatory voting --  
21 discriminatory hiring practices in the Virginia  
22 Beach Police Department?

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1 A. I'm not.

2 Q. Okay. Are you aware of any actions that  
3 the city has taken to improve data collection with  
4 respect to potential racial profiling in Virginia  
5 Beach?

6 A. No, I'm not. I'm not aware.

7 Q. Are you aware of any additional -- any  
8 actions the City Council has taken with respect to  
9 the issue of racial profiling?

10 A. Not specific to that issue, no.

11 Q. Okay. Are you aware of any specific  
12 actions that the Virginia Beach Police Department  
13 has done to address culture change or create a  
14 culture of transparency?

15 A. Aside from the Police Chief giving his  
16 presentation of them trying to work on it. Not  
17 just a general procedure change.

18 Q. And are you aware of any changes with  
19 respect to the performance review systems or  
20 training systems in response to the 5 Point Plan?

21 A. I'm not aware.

22 Q. Okay. So is it fair to say that the only

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1 specific action you're aware of the City  
2 Council -- of the city taking is the  
3 institutionalized use of body cameras?

4 A. Yes.

5 Q. Okay. This past year the City Council  
6 filled two vacancies by appointment; is that  
7 right?

8 A. Correct.

9 Q. And one of those appointments was Guy  
10 Tower?

11 A. Correct.

12 Q. And the other was Michael Berlucchi; is  
13 that correct?

14 A. Yes.

15 Q. For Mr. Tower's appointment, that was for  
16 the Beach district, correct?

17 A. Yes.

18 Q. And that was after Mr. Nygaard was  
19 disqualified?

20 A. Yes.

21 Q. Okay. Who were the four candidates, if  
22 you recall, who received public interviews for



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1 that position?

2 A. Oh. I don't remember their names.

3 Q. I have a list here of Leah Malbon  
4 Davenport, Megin Kennett, Louisa Strayhorn, and  
5 Guy King Tower. Are those the candidates you  
6 recall up for that position?

7 A. Yes.

8 Q. Okay. And of those four, are any of them  
9 African American?

10 A. I believe one of them was.

11 Q. Louisa Strayhorn; is that right?

12 A. Yes.

13 Q. And the vote for Mr. Tower was unanimous  
14 when it was taken; is that right?

15 A. Yes.

16 Q. Why did the City Council prefer Mr. Tower  
17 over Ms. Strayhorn?

18 MR. BOYNTON: I'm going to ask that your  
19 testimony not reference specific conversations  
20 that were privately held among Council members.  
21 But you can otherwise testify to anything that you  
22 know otherwise or was publicly stated.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1           A. I believe it had mostly to do with his  
2           litigation qualifications. He had a lot of  
3           expertise in -- what is it called -- conflict  
4           resolution.

5           Q. Okay. And why is that a useful skill for  
6           a City Council member?

7           A. I think being able to navigate  
8           conversation is a positive skill. He had an  
9           impressive résumé.

10          Q. Okay. Did -- with respect to these types  
11          of appointments, does the City Council try to  
12          reach unanimity as a public matter?

13          A. I don't know, generally speaking. This is  
14          the first appointment process I had been a part  
15          of. I would say as a general, yes.

16          Q. Did City Council members come in all  
17          unanimous around Mr. Tower or was that a result of  
18          discussion and negotiation, without revealing the  
19          specific contents of those discussions or  
20          negotiations?

21          A. I don't recall where everybody was  
22          initially, so I really can't answer that question.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

145

1 Q. Okay. There was a questionnaire that each  
2 of these individuals had to fill out; is that  
3 right?

4 A. Yes.

5 Q. And how long is that questionnaire?

6 A. I think it was 11 questions --

7 Q. Okay.

8 A. -- or right around that.

9 Q. One of those questions was about  
10 districting versus at-large elections; is that  
11 correct?

12 A. That's correct.

13 Q. What were some of the other questions in  
14 the questionnaire that you recall?

15 A. Well, the question I asked was do you plan  
16 to run for election. Some questions about  
17 flooding. There were questions about philosophy  
18 of government. There were questions about the  
19 potential bond referendum. I think one of the  
20 questions is what do you like about Virginia  
21 Beach, or something to that effect, or why do you  
22 want to serve, something similar.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

146

1 Q. Did Mr. Tower say he was planning to run  
2 for reelection in that questionnaire?

3 A. He said he did not intend to.

4 Q. But he is running now; is that correct?

5 A. That's correct.

6 Q. Who's running against him?

7 A. Councilwoman Wilson and RK Kowalewitch, I  
8 believe, are the only three members.

9 Q. Have you endorsed any of the three of  
10 them?

11 A. No.

12 Q. Do you plan to?

13 A. No.

14 Q. Do you know why -- Council Member Wilson  
15 is not up for reelection, is she, this year?

16 A. She is not.

17 Q. Do you know why she's decided to switch  
18 from an at-large position to try to run for the  
19 Beach district position on a year she's not up for  
20 election?

21 A. I know what she's saying publicly.

22 Q. What's she saying publicly?

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 A. That she wants to bring stability to the  
2 Beach district.

3 Q. Do you have -- do you think that -- do you  
4 have doubts that that's her actual reason?

5 A. No.

6 Q. Okay. And how would that bring stability  
7 to the Beach district?

8 A. I think it's fair to assume she's a  
9 longstanding Council member, so presumably that  
10 would remain the case.

11 Q. Okay. And only Mr. Tower got an up or  
12 down vote on his appointment, right?

13 A. Correct.

14 Q. Did you come into the discussion about the  
15 appointment with a specific view as to which  
16 candidate should be successful in getting the  
17 Beach district appointment?

18 A. I did not.

19 Q. Okay. Mr. Berlucchi was appointed to the  
20 Rose Hall district; is that right?

21 A. That's correct.

22 Q. Okay. And there were two candidates that

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 interviewed, Mr. Berlucchi and Seko Varner; is  
2 that right?

3 A. That's correct.

4 Q. And ultimately the vote was unanimous in  
5 favor of Mr. Berlucchi; is that right?

6 A. That's not right.

7 Q. I didn't think so.

8 It was 9-to-1; is that right?

9 A. That's correct.

10 Q. And Councilman Moss supported Mr. Varner?

11 A. That's correct.

12 Q. Did Mr. Moss state on the record why he  
13 supported Mr. Varner rather than Mr. Berlucchi?

14 A. I don't recall what his specific remarks  
15 are, but, generally, Councilman Moss makes  
16 remarks. He may have.

17 Q. Do you recall why, generally, Council  
18 Member Moss supported Mr. Varner rather than  
19 Mr. Berlucchi?

20 A. I think he felt he was the better  
21 applicant.

22 Q. And why did you vote for Mr. Berlucchi?

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1           A. I have a personal relationship with him.  
2       But I would have been happy with either of them.

3           Q. And Mr. Berlucchi is white; is that  
4       correct?

5           A. That's correct.

6           Q. And what race is Mr. Varner?

7           A. African American.

8           Q. Do you remember what Mr. Berlucchi said  
9       about at-large versus single-member districts?

10          A. I believe it was something to the effect  
11       of he wanted to learn more.

12          Q. Do you remember what Mr. Varner said?

13          A. I don't recall what he said specifically.

14          Q. Do you remember what Ms. Strayhorn said?

15          A. I believe she said she was in support of  
16       it, but I don't remember specifically.

17          Q. Okay. Are those questionnaires all  
18       public?

19          A. I believe so.

20          Q. And publicly available?

21          A. I don't know for sure, honestly.

22               MR. BOYNTON: I don't know either.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1           A. I'm not sure if it falls, like, into a  
2 personnel category with the city.

3           Q. Okay.

4           A. But I feel like they were made public.

5           Q. Okay.

6           A. Or at least maybe some of the candidates  
7 published theirs.

8           Q. Okay. Are there any groups of City  
9 Council members that tend to vote together on  
10 certain issues?

11          A. Yes.

12          Q. And can you describe to me a little bit  
13 what the dynamics of City Council members in their  
14 voting blocks are?

15          A. I could say Councilman Moss and myself  
16 along with Councilman -- Mayor Dyer tend to be a  
17 minority on Council, not always but at least on  
18 some of the higher profile items.

19          Q. And the remainder tend to vote together or  
20 is there fragmentation there, as well?

21          A. I would say, with the exception to the new  
22 members, more of the seasoned members tend to vote



Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 together.

2 Q. And so would that be Rosemary Wilson,  
3 Louis Jones -- who else would be in that group?

4 A. I would say Rosemary Wilson, Jim Wood,  
5 Louis Jones, and Barbara Henley.

6 Q. So the four of them, typically, vote  
7 together; is that right?

8 A. Generally.

9 Q. That makes up 11. Okay.

10 Would you agree that the City of Virginia  
11 Beach and the State of Virginia have a history of  
12 racial discrimination?

13 MR. BOYNTON: Object to the form of the  
14 question.

15 A. Yes. I don't know, really, how to answer  
16 that question. There has been racial  
17 discrimination, yes.

18 Q. And would you agree that a lot of people  
19 in Virginia Beach minority communities still  
20 suffer from some of the downstream effects of  
21 long-term discrimination in the form of, you know,  
22 lower income range or educational outcomes?

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 A. Yes.

2 MR. BOYNTON: Object to the form of the  
3 question.

4 Q. In 2018 there appears to have been an  
5 incident where poll workers were handing out  
6 slates to voters that were different depending on  
7 the race of the voter. Are you aware of this  
8 incident?

9 A. I've heard about it, but I was not aware  
10 at the time.

11 Q. Who did you hear about it from?

12 A. It was not a member of Council. It was a  
13 member of the public. I want to say it was Robert  
14 Dean who told me, but I'm not sure if that's who  
15 did. It was not a person in their official  
16 capacity.

17 Q. Have you spoken to anybody in their  
18 official capacity about this incident?

19 A. No.

20 Q. Does it concern you?

21 A. Yes.

22 Q. Are you aware of any other times when the

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 issue of race has bubbled to the surface during  
2 electoral campaigns in Virginia Beach?

3 A. No.

4 Q. Okay. Would you agree Virginia Beach  
5 still has a long way to go in order to achieve  
6 racial equity and overcome past racial  
7 discrimination?

8 MR. BOYNTON: Object to the form of the  
9 question.

10 A. Generally, yes.

11 Q. Would you agree increased and more  
12 consistent representation of minorities on City  
13 Council would be a step toward that goal?

14 MR. BOYNTON: Object to the form of the  
15 question.

16 A. Yes.

17 Q. Okay. You support term limits for City  
18 Council; is that right?

19 A. Yes.

20 Q. And why is that?

21 A. A new broom sweeps clean.

22 Q. And what's your proposal for how long

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 those term limits should be?

2 A. The idea I have floated in the past would  
3 be no more than three consecutive terms.

4 Q. So that would be 12 years at least  
5 consecutively?

6 A. Yes.

7 Q. Are there a number of members right now  
8 that have been on City Council for longer than 12  
9 years?

10 A. Yes.

11 Q. Okay. And do any other City Council  
12 members publicly support your proposal for term  
13 limits?

14 A. Not to my knowledge.

15 Q. Okay. Are you planning to run for  
16 reelection in 2020?

17 A. I am.

18 Q. Okay. How did you come to decide to run  
19 for City Council in 2016?

20 A. I felt that there was no representation  
21 for people of my age group, and we make up more  
22 than a quarter of the population in our city.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

155

1 Q. When did you first consider running for  
2 City Council?

3 A. In February, right around my birthday.

4 Q. Okay. And that was February of 2016?

5 A. Yes.

6 Q. And were there at-large seats open that  
7 cycle, as well?

8 A. There was one.

9 Q. Okay. So what led you to decide to run  
10 for your district rather than for the at-large  
11 seat?

12 A. The district seats are, generally, less  
13 crowded.

14 Q. So it would be a less competitive field?

15 A. Yes.

16 Q. Okay. And you ran against an incumbent,  
17 Amelia Ross-Hammond; is that correct?

18 A. Yes.

19 Q. Was there anyone else in the race?

20 A. There was not.

21 Q. It was just the two of you?

22 A. Yes.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

156

1 Q. When you were considering running for City  
2 Council, did anyone encourage you to run?

3 A. No. No, they did not.

4 MR. BOYNTON: Next question.

5 Q. Did you consult with any City Council  
6 members about your potential run?

7 A. Not until after I had already decided to  
8 do it.

9 Q. I imagine you talked to family members  
10 about your decision to run?

11 A. To my husband, yes.

12 Q. Okay.

13 A. To my father, who's also my business  
14 partner, yes.

15 Q. Okay. Did you talk to anybody else as you  
16 were thinking about whether or not to run?

17 A. Not until after I had already decided.

18 Q. Okay. And after you decided to run, did  
19 you consult with some City Council members about  
20 your campaign?

21 A. Yes. Uh-huh.

22 Q. And who were those people?

Transcript of Jessica Abbott  
Conducted on October 3, 2019

157

1 A. Well, Councilman Moss primarily.

2 Q. Did you know Councilman Moss before you  
3 decided to run?

4 A. Yes.

5 Q. So you reached out to him?

6 A. Yes.

7 Q. And did he encourage you to run?

8 A. Yes.

9 Q. Anyone else?

10 A. I asked several of them for support.

11 Q. Did any of them provide it?

12 A. No.

13 Q. Did you have support from Council Member  
14 Moss?

15 A. I did.

16 Q. Did you have support from any other  
17 Council member?

18 A. No.

19 Q. Did you ask Rosemary Wilson for support?

20 A. I did not.

21 Q. Okay. And outside of City Council  
22 members, after you decided to run, did you consult

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 with any other community members or mentors or  
2 anyone else about endorsements or recommendations  
3 for starting your campaign?

4 A. Yeah. I asked everybody.

5 Q. Anyone in particular?

6 A. Nobody that stands out. I mean, I asked  
7 anybody who would give me help for help.

8 Q. And did you have any staff for your  
9 campaign?

10 A. I had myself, and my husband, and I had a  
11 handful of volunteers but nobody paid.

12 Q. Okay. So you didn't have any paid staff?

13 A. I had no paid staff.

14 Q. Okay. Did you have any paid consultants?

15 A. I had no consultants.

16 Q. Okay. And who were your main volunteers?

17 A. A person named Richard Caldwell, David  
18 Dole. There were some other candidates that were  
19 running that we kind of shared resources in terms  
20 of volunteers, but --

21 Q. Who were those candidates?

22 A. Robert Dean. Oh, my gosh. Who else ran



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Conducted on October 3, 2019

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1 that year? RK ran for Mayor, but I was not really  
2 a part of anything he was doing. It would really  
3 help if I could remember who ran that year. Eric  
4 Wray ran for School Board that year. We shared  
5 some volunteers. Vickie Manning was running. We  
6 shared some volunteers. She was a School Board.  
7 I can't remember what seats were up.

8 Q. All right. I have some names.

9 A. That would be very helpful.

10 Q. George Furman for Mayor?

11 A. We didn't share any resources. But he did  
12 run for Mayor, yeah.

13 Q. Don Weeks?

14 A. Yes. Don Weeks is who I was supporting  
15 for Mayor. We didn't share any volunteers,  
16 though.

17 Q. Dane Blythe?

18 A. Dane Blythe. I think he was running  
19 against Louis.

20 Q. Looks like Wilson?

21 A. Oh. He was running at-large. He lives in  
22 Bayside. Yes. I supported Dane. And Dane and I

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 did share volunteers.

2 Q. Okay. I think we've covered -- I think  
3 we've covered it.

4 All right. Did Council Member Moss  
5 contribute to your campaign?

6 A. Yes.

7 Q. And did he publicly endorse you?

8 A. Yes.

9 Q. And did he appear at events with you?

10 A. Yes.

11 Q. And Ms. Ross-Hammond was the incumbent; is  
12 that right?

13 A. That's correct.

14 Q. And she's African American?

15 A. She is.

16 Q. Okay. Was she the only African American  
17 City Council member at the time you ran?

18 A. She was.

19 Q. Okay. What were the main areas of  
20 difference or disagreement between you and  
21 Ms. Ross-Hammond?

22 A. Well, I was advocating for more

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 transparency in government, better accessibility.  
2 We had a difference of opinion on some budget  
3 items in terms of how the city spent money. So, I  
4 mean, primarily just, kind of, a general  
5 philosophical difference.

6 Q. And what do you mean by accessibility?

7 A. Being available to the community.

8 Q. Okay. You felt like she wasn't available  
9 to the community?

10 A. I felt she could have been more available.

11 Q. Did you consult with the African American  
12 community at all about their feelings about  
13 Ms. Ross-Hammond?

14 A. Not really prior to the election.

15 Q. Okay. Do you know if Ms. Ross-Hammond had  
16 the support of the African American community  
17 during your election?

18 A. I know that several of the minority groups  
19 gave her endorsements. But outside of their  
20 public endorsements, no.

21 Q. Was one of your disagreements over light  
22 rail?

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 A. Yes.

2 Q. You did not support light rail?

3 A. I did not.

4 Q. Okay. And that was the referendum that  
5 year, as well?

6 A. That's correct.

7 Q. And the referendum for light rail was  
8 defeated?

9 A. Yes.

10 Q. Historically, has it been unusual for  
11 African American members to be elected to City  
12 Council?

13 MR. BOYNTON: Object to the form of the  
14 question.

15 You can answer.

16 A. I'd say I'm sure it's challenging.

17 Q. Okay. Are you aware of any City Council  
18 member -- minority City Council member that's been  
19 reelected?

20 A. I can't speak to any.

21 Q. Okay. Did you identify any unusual  
22 circumstances that may have helped

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 Ms. Ross-Hammond get elected in the first place in  
2 2012?

3 A. It was a relatively crowded race, so I  
4 suppose you could operate on a theory the more  
5 people that are in the race potentially you need  
6 less votes.

7 Q. I think we can look at Exhibit 2.

8 MR. BOYNTON: Would you rather do 2 or 1?

9 MS. LANG: 2.

10 Q. Towards the end there is --

11 A. It's a Facebook message.

12 Q. Yeah.

13 MR. BOYNTON: Was that the McLiverty  
14 message?

15 A. McLiverty.

16 Q. McLiverty. Yes.

17 The very last page, you're speaking to  
18 Doug McLiverty. Who is Doug McLiverty?

19 A. He's president of the Fairfield Civic  
20 League.

21 Q. How do you know Doug?

22 A. Through going -- through politics. He

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 invited us to speak at the Civic League.

2 Q. Okay. Do you live in Fairfield?

3 A. I do not.

4 Q. Okay. But he lives in Fairfield?

5 A. That's correct.

6 Q. Okay. And you know that the fact it was a  
7 four-way race meant that there was splitting up of  
8 the vote, and she didn't win by a large margin; is  
9 that correct?

10 A. That's correct.

11 Q. It seemed she lucked into it?

12 A. Yes.

13 Q. And she did not win 50 percent of the  
14 vote; is that right?

15 A. To my knowledge, that's correct.

16 Q. Significantly lower than 50 percent of the  
17 vote?

18 A. I think it was 46 percent, if I remember.

19 Q. Okay. And by the grassroots vote, what do  
20 you mean by the grassroots vote there?

21 A. Chuck Smith and Don Weeks are well-known  
22 people in the "grassroots" community in Virginia

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 Beach, and they -- I speculated that they pulled  
2 from the same group of voters.

3 Q. And by grassroots earlier, you said that's  
4 loosely for what used to be called the  
5 Conservative Coalition or the Tea Party; is that  
6 right?

7 A. It's had many names.

8 Q. But it's a conservative grassroots?

9 A. It has a large mix of people. But the  
10 most active members, I would say, are  
11 conservatives.

12 Q. Okay. Mr. McLiverty says, Amelia is a  
13 very nice person but she is totally out of touch  
14 with what matters to residents.

15 What did you understand Mr. McLiverty to  
16 be referring to there?

17 MR. BOYNTON: Again, just your own  
18 understanding, not to speculation or state of  
19 mind.

20 A. Truthfully, I couldn't speculate on what  
21 he was meaning by that. I know, from what he has  
22 told me, he didn't feel she gave his neighborhood

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 enough attention.

2 Q. Is Fairfield a predominantly white  
3 neighborhood?

4 A. I couldn't speak to that.

5 Q. Okay. Is Mr. McLiverty politically  
6 conservative?

7 A. I would put him as a moderate if I had to  
8 answer that question.

9 Q. Sure.

10 And did he volunteer for your campaign at  
11 all?

12 A. He did not.

13 Q. But he recommended you try to put some  
14 signs up near where Amelia had signs up, correct?

15 A. Specifically, there is a building that was  
16 privately owned that he wanted me to put a sign  
17 up. And I told him I couldn't do that.

18 Q. Okay. Fair enough.

19 And if we could go to Exhibit 1. I'm  
20 looking at this Facebook post. The one incumbent  
21 here who lost her seat or lost their seat, is that  
22 Amelia Ross-Hammond?



Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 A. Most likely. I don't know that there's  
2 been many -- where do you see I say that?

3 Q. In the graphic, Since 2008.

4 A. Yes. Yes.

5 Q. If we can go to Exhibit 1, the first page  
6 after the subpoena itself --

7 A. Uh-huh.

8 Q. -- appears to be electoral results from  
9 Amelia's initial election; is that right?

10 A. Yes.

11 Q. And it looks like she got only 32 percent  
12 of the vote; is that right?

13 A. Yes.

14 Q. Okay. And Chuck Smith and Weeks, who you  
15 identified as potentially pulling from the same  
16 base, jointly got 44 percent of the vote; is that  
17 right?

18 A. Yes.

19 Q. Okay. So absent that division, you  
20 speculated that Ms. Hammond -- Ms. Ross-Hammond  
21 would maybe not have been successful in her race?

22 A. Potentially.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 Q. Okay. Do you recall specifically having  
2 any African American volunteers for your campaign?

3 A. Yes.

4 Q. And who were they?

5 A. Tom White, William King, Pieri Burton,  
6 Eric Wray though he was running at the same time,  
7 Kristin Smith. What is his last name? His first  
8 name is Jonathan, but I can't recall his last  
9 name. He's under 18, so I'm not sure that that  
10 matters.

11 Q. That's fine.

12 Were you -- what endorsements did you  
13 receive, other than Council Member Moss?

14 A. I received an endorsement from the Dare  
15 and County Soil and Water -- I'm messing up her  
16 title -- representative.

17 Q. Okay. All right.

18 A. You know what I'm talking about?

19 MR. BOYNTON: Somebody in North Carolina.

20 A. She's in Virginia Beach. She's the  
21 representative for the Soil and Conservation Board  
22 or -- I can never get her title right.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 Q. That's okay.

2 A. It's a race that never has anybody in it.

3 Q. Okay. Fair enough.

4 A. Her name is Leslie Jones. She endorsed  
5 me.

6 Q. Okay. Anyone else during the 2016  
7 election that endorsed you?

8 A. No.

9 Q. Any, like, community groups or --

10 A. No. No public endorsements.

11 Q. Okay.

12 A. I'll say Senator DeSteph did write me a  
13 check, but he did not endorse me.

14 Q. Were you on any slate of candidates that  
15 was being proposed?

16 A. No.

17 Q. Were there other candidates that were  
18 running specifically with an anti light rail  
19 message?

20 A. Yes.

21 Q. And who were they?

22 A. Dane Blythe, RK, Don Weeks. Who were the

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 people we mentioned?

2 Q. Dane Blythe?

3 A. Yeah. Dane Blythe, Don Weeks, RK  
4 Kowalewitch.

5 Q. Eric Wray?

6 A. Well, School Board. That's not really  
7 their wheelhouse.

8 Q. Manning?

9 A. She's School Board.

10 Q. Okay. Yes.

11 All right.

12 A. Robert Dean. He was running for Rose  
13 Hall. And he was an anti light rail candidate.

14 Q. I think you testified to this earlier,  
15 but, as a general matter, the fact that Virginia  
16 Beach is such a large media market makes it  
17 expensive to run a campaign; is that right?

18 A. Yes.

19 Q. Did you run any television ads?

20 A. I did not.

21 Q. Okay. Did you run any radio ads?

22 A. I did.

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 Q. And what other forms of advertising did  
2 you use?

3 A. Facebook.

4 Q. Okay. Anything else?

5 A. I did literature, but it was handed out;  
6 it was not mailed.

7 Q. What other methods of, kind of,  
8 campaigning did you do during your campaign?

9 A. I showed up to every event I could be at.

10 Q. Okay. How did you balance that with your  
11 full-time job?

12 MR. BOYNTON: Lots of coffee.

13 A. I don't know. I took some time off, and  
14 I -- I did what I could.

15 Q. You had the flexibility to take some time  
16 off?

17 A. I did have some flexibility, yes.

18 Q. Okay. It was a very time-consuming  
19 endeavor, I assume?

20 A. Yes.

21 Q. Absent some of that flexibility, do you  
22 think you would have been able to run that

Transcript of Jessica Abbott  
Conducted on October 3, 2019

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1 campaign?

2 A. Not as well.

3 Q. Yeah.

4 A. I would have had to only campaign after 5.

5 Q. Yeah.

6 A. But...

7 Q. And did you hold fundraisers?

8 A. Yes.

9 Q. What kind of fundraisers did you hold?

10 A. I had a picnic in my back yard, and I did  
11 online fundraising.

12 Q. When did you announce your candidacy?

13 A. I made the decision in March. And I had a  
14 fundraiser in my back yard where I announced my  
15 candidacy formally. It was either early March or  
16 late April. I don't remember the specific date.

17 Q. Who were some of your main contributors to  
18 your campaign?

19 A. Beth Allen was a large contributor. As I  
20 said, Senator DeSteph wrote me a decent check. I  
21 don't remember the exact amount. Gary Byler wrote  
22 me a check that was significant. Glenn -- but I

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1 don't remember his last name. Never met him  
2 in-person. If you're looking at VPAP, I'm sure  
3 he's on the list as somebody who gave me more than  
4 a couple bucks.

5 Q. Is Matthew Abbott your husband?

6 A. No. That's my father.

7 Q. That's your father?

8 A. Yes.

9 Q. And your father contributed to your  
10 campaign?

11 A. In-kind.

12 Q. Okay. What was his in-kind contribution?

13 A. I used -- I used some office space in his  
14 building.

15 Q. And who's James Cohen?

16 A. Oh. Jim Cohen. He's a friend.

17 Q. Okay. What does he do for a living?

18 A. He breeds dogs.

19 Q. Who is Millie Latoka-Jones? Do you know?

20 A. Millie?

21 Q. Millie Latoka-Jones. She appears to have  
22 contributed \$1,500 to your campaign.

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1 A. Oh. I never met her.

2 Q. Okay. So you don't know anything about  
3 her?

4 A. No.

5 Q. Do you know Misha Haynie?

6 A. No.

7 Q. Okay.

8 A. Oh. Misha. Yes. That was an in-kind  
9 contribution. That was video services.

10 Q. Okay. And do you know this group, Friends  
11 of the Elephant?

12 A. Yes.

13 Q. What's that group?

14 A. It's Gary Byler's organization.

15 Q. And who is Gary Byler?

16 A. He's a well-known person in the Republican  
17 party.

18 Q. And what is the nature of the Friends of  
19 the Elephant group?

20 A. They raise money to give to candidates.

21 Q. Okay. Do you -- are you politically  
22 aligned with that group, would you say?



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1 A. Yeah, on some issues.

2 Q. On which issues?

3 A. Well, we were aligned on light rail. And  
4 I'm a fiscal conservative, so on fiscal  
5 conservative issues.

6 Q. Are there issues on which you are not  
7 aligned?

8 A. Yes.

9 Q. What are those?

10 A. Probably more social issues.

11 Q. Such as?

12 A. Well, Friends of the Elephant may be in  
13 support of district voting. I can't speak  
14 specifically to that. But they're not related to  
15 local politics, generally, since we don't really  
16 deal in the social issue realm.

17 Q. Have you heard any connection between the  
18 Friends of the Elephant group and the incident  
19 related to race-based slates in the 2018 election?

20 A. Not specifically.

21 Q. Okay. Do you know who Central Drive  
22 Investment Partners is?

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1 A. Senator DeSteph.

2 Q. And Grace Allen?

3 A. She goes by Beth Allen.

4 Q. Is that a friend of yours or how do you  
5 know Ms. Allen?

6 A. She met me at an event.

7 Q. Okay. What is Lynnhaven Coffee Company?  
8 Do you know?

9 A. It's a coffeehouse.

10 Q. Do you know the owners?

11 A. I do.

12 Q. Okay.

13 A. And it was an in-kind contribution.

14 MR. BOYNTON: I told you, lots of coffee.

15 Q. Sami Montella Photography. Was that also  
16 an in-kind contribution?

17 A. It was.

18 Q. Have you raised any money yet in 2019?

19 A. Yeah. I had a fundraiser.

20 Q. When did you have a fundraiser?

21 A. My birthday. February.

22 Q. Where was the fundraiser?

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1           A. The Boardroom, which is a restaurant off  
2     General Booth. It actually is closed, so it does  
3     not exist anymore.

4           MR. BOYNTON: You killed it.

5           A. I did not. They opened another restaurant  
6     in Norfolk. They were doing very well. They just  
7     wanted to expand. And they changed their name.

8           MR. BOYNTON: That was a joke. Let's put  
9     that on the record. Let's make sure everybody  
10    understands I was not being serious.

11          Q. Who contributed to you during that 2019  
12    fundraiser?

13          A. Oh. Gary Byler attended. Robert Dean  
14    attended. John Moss attended. Shannon Kane  
15    attended.

16          Q. Christopher Smith?

17          A. Oh, yeah. He attended.

18          Q. Who's that?

19          A. He lives in Centerville.

20          Q. Okay. Walter Erb?

21          A. Wally Erb. Yeah. He's a constituent.

22          Q. Marylayne Castelluzzo?

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1 A. She lives in Kempsville.

2 Q. Reid Greenmun?

3 A. A constituent.

4 Q. Okay. How do you know Gary Byler?

5 A. Oh. I've known him since I was in high  
6 school.

7 Q. Okay. If I were to represent to you that  
8 there is evidence in the record that Friends of  
9 the Elephant had two different slates, one that  
10 included Aaron Rouse and one that did not, and  
11 that the one with Aaron Rouse was only being given  
12 to African American constituents, would that  
13 concern you?

14 A. Yes.

15 Q. Would that be something that you would  
16 want to raise with Mr. Byler?

17 A. Yes.

18 Q. Okay. The evidence is in the record. I  
19 don't have it on me. But you could feel free to  
20 ask your attorney for the photos of those flyers.

21 Did you have any concerns while you were  
22 running that you were running against the only

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1 African American on City Council?

2 A. Yes.

3 Q. How had you come to the decision that it  
4 was still worth running for -- against her?

5 A. I didn't feel like I was represented. My  
6 generation had no representation. And we are  
7 constantly under scrutiny that we have no desire  
8 to be represented. And outside of that's where I  
9 lived, that's why I came to the decision to run,  
10 and that's -- for that seat.

11 Q. I believe you said earlier most of the  
12 minority groups endorsed Ms. Ross-Hammond; is that  
13 right?

14 A. To my knowledge.

15 Q. But you've made significant efforts since  
16 your election to work with those minority groups;  
17 is that right?

18 A. I believe so.

19 Q. And overall you think that having minority  
20 representation -- racial minority representation  
21 on City Council is an important goal?

22 A. Yes.

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1 Q. Okay. When did you decide that you were  
2 going to run for reelection? Did you always  
3 intend --

4 A. I always intended to run, yeah.

5 MS. LANG: Can we take just one more  
6 break?

7 MR. BOYNTON: Of course.

8 (A recess was taken.)

9 Q. I have no further questions.

10 MR. BOYNTON: She'll read.

11 What happens is when it's transcribed you  
12 will have the opportunity to review the transcript  
13 and make notes as to anything you believe was  
14 transcribed inaccurately on an errata sheet. So  
15 you'll have to look at it and sign. Not a huge  
16 process.

17 But she'll read.

18

19 (Signature having not been waived, the  
20 deposition of JESSICA ABBOTT was concluded at  
21 12:55 p.m.)

22

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ACKNOWLEDGMENT OF DEPONENT

I, JESSICA ABBOTT, do hereby acknowledge  
that I have read and examined the foregoing  
testimony, and the same is a true, correct, and  
complete transcription of the testimony given by  
me and any corrections appear on the attached  
Errata Sheet signed by me.

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE)

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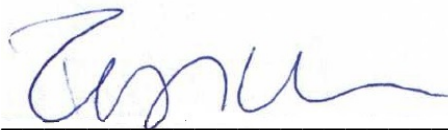
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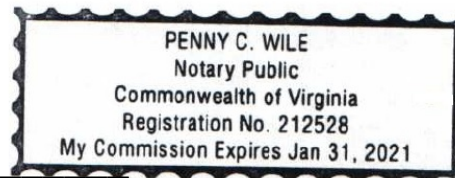
1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 I, Penny C. Wile, RPR, RMR, CRR, the  
3 officer before whom the foregoing deposition was  
4 taken, do hereby certify that the foregoing  
5 transcript is a true and correct record of the  
6 testimony given; that said testimony was taken by  
7 me stenographically and thereafter reduced to  
8 typewriting under my direction; that reading and  
9 signing was requested; and that I am neither  
10 counsel for, related to, nor employed by any of  
11 the parties to this case and have no interest,  
12 financial or otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my  
14 hand and affixed my notarial seal this 14th day of  
15 October, 2019.

16 My commission expires: January 31, 2021.

17  
18  
19   
20



21 NOTARY PUBLIC IN AND FOR  
22 THE COMMONWEALTH OF VIRGINIA



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